FOR REFERENCE

NOT TO BE TAKEN FROM THIS ROOM

LIFE AND TIMES
of
STEVENS THOMSON MASON
the
BOY GOVERNOR OF MICHIGAN

BY
LAWTON T. HEMANS

Second Edition

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PREFACE

ON several occasions I have heard Mr. Hemans remark, "There seems to be no work in Michigan covering the period from 1837 to 1845, the most eventful years of the State, as it was the period of her birth, and filled full of the trials subsequent to such an event." He said he could never find data on the political parties of that time, nor on Governor Mason and other prominent men of the day, unless by consulting old newspapers and pioneer collections. He determined to gather together all these fragments of historical knowledge, even if in an unsatisfactory manner to himself, place them together in one work and call it the "Life and Times of Stevens T. Mason—the Boy Governor."

When a child, Mr. Hemans had been told that Governor Mason, the first Governor of this State, had died in a gutter after an evening's debauch. As he grew to young manhood and stood before the beautiful painting of the Governor in Representative Hall at Lansing and gazed upon that face so full of culture and refinement, the desire was born in his heart to try and refute this criticism and other calumnies heaped upon the Boy Governor. As he began collecting and reading, he became more and more convinced that many unjust remarks had been showered upon Governor Mason, that the beautiful, upright conscientious character of the man had never been shown in its true light. Mr. Hemans' desire grew stronger as his knowledge became deeper in his subject, and I really know that he had the greatest love and admiration for Governor Mason. We all know that if love fills our hearts our hardest task becomes easy. So Mr. Hemans, so deeply in love with his subject, put his

life's best endeavors into collecting and putting together and writing this story of the Boy Governor, and it was his pride to think of presenting it to this great State of Michigan, for which State I believe Mr. Hemans gave his life. But his last two years were filled so full of physical pain and suffering that he was unable to finish this work, and Mr. William L. Jenks has kindly written the last chapter.

I remember so distinctly Mr. Hemans entering the home one evening and remarking, "Governor Mason has a living daughter in Newark, N. J., and I must get into communication with her." He immediately wrote to her and received a charming, helpful letter in return. The daughter, Mrs. Wright, suggested that Mr. Hemans write to Miss Emily V. Mason, a sister of Stevens T. Mason, who was still active and interesting at the age of 93.

The friendship between Miss Mason and Mr. Hemans was an unusual one. She seemed almost to consider Mr. Hemans as a brother, and the information she gave him helped him wonderfully in the story of her brother Stevens.

The Governor had another sister, Mrs. Laura Chichester who lived in Virginia, and whom Mr. Hemans visited during his researches. Lexington, Ky. was once the old home of the Mason family, also other towns in that State, and Mr. Hemans visited all these and secured pictures of the old homes which are found in this work. Nearly all of the pictures included in this volume have been collected by great endeavors and at a great expense. Many of them were from old brooches, daguerreotypes, almanacs, paintings and from old things pulled from rubbish heaps. The pictures Mr. Hemans and myself have

paid hundreds of dollars for. He could not content himself when he got on the trail of a picture unless he secured it, regardless of labor or expense, so deep was his interest in his work. His greatest regret, as I remember, was not to secure the picture of John Norvell, early Detroit postmaster and Michigan statesman; his labors in this direction were almost endless. Miss Emily Mason endeavored to secure this picture but the search had to be given up.

Nearly all of the chapters concerning the family and their home life have been gleaned from letters from Miss Mason. In her delightful manner she wrote many letters of their charming home life. These letters I have in Mr. Hemans' Historical Collection and they with the above collection will some time be a part of the Michigan Pioneer and Historical Collection.

When Mr. Hemans discovered that Stevens T. Mason died and was buried in New York, he began wishing that he might be the means of bringing the remains of the Boy Governor back to the State of Michigan. His endeavors were crowned with success and Governor Warner appointed Mr. Hemans as one of the three commissioners to go to New York and bring back the remains and place them in a suitable burial spot in Detroit. Then began his personal acquaintance with the daughter and sisters of Governor Mason. The grandson, Edward Wright, Jr. of Newark, N. J., a young man of great culture and ability piloted the commission to the Governor's last resting place, pictures of which are found in the pages of this volume. So the friendship between the Mason family and Mr. Hemans grew, and also the interest in his work deepened and became a part of his life.

This story was written entirely in the evenings after the hard day's work upon his usual daily tasks at his office. This for many years was his source of pleasure, all he seemed to yearn for; he seemed to love this Boy Governor and his life and times like a sweetheart. Page after page flew from his fingers only to be rewritten time and again; never would a page be considered to be perfectly right or fit until I had carefully listened to his reading of it; the chapters and the story became so familiar to me that I knew it almost as well as he. In my memory there stands out so vividly Mr. Hemans at his table in our old Mason home, pen in hand happily engaged in his work. His fear was that he would never see it finished or that it might not be worthy of print when finished, but he would remark, "Wife, it has been worth all the effort."

I have spent days in the Detroit Public Library reading old Detroit newspapers of the years 1837-1845, carefully reading those old musty pages to get some interesting item for him. Also I spent some time at Marshall, Mich. with Mr. John Patterson, a Marshall pioneer, who had a valuable collection of early newspapers. All my labors were labors of love and the delight expressed on his face when I would return from a search of that kind was a payment enough for me.

Now if in return the people of Michigan will read this volume and find in it any interesting and helpful thoughts it will be a great pleasure to me and somehow I feel that Mr. Hemans from "The Beautiful Isle of Somewhere" will know that his labor of love was not all in vain.

MRS. HEMANS.

Mason, Michigan,
November 4, 1918.

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STEVENS THOMSON MASON
From a portrait in oil in the Art Collection of the University of Michigan.

Life and Times of Stevens Thomson Mason

CHAPTER I

In the Old Dominion

ON the 3rd of September, 1651, was fought the memorable battle of Worcester, where the ill-starred army of Prince Charles went down to irretrievable defeat before the onslaught of Cromwell and his "Ironsides." Worcester was the last battle of the Civil War, and Cromwell was wont to refer to it in after times as the "crowning mercy of God," because it crushed the present hopes of the Royalists for the restoration of the throne and crown.

From the blood-stained field whereon lay six thousand of his faithful followers, the young prince fled under cover of the night, a fugitive in mean disguise, to be the central figure in many an adventure and romantic escape until weeks later he was landed upon the shore of France. Many a cavalier of noble lineage and proud estate who had cast his future with the son of the beheaded king surrendered property and estate and sought personal safety in voluntary banishment from the scenes of his native land. Many fled to Holland, France and adjacent countries, while still many more sought an

asylum amid the newer scenes and larger opportunities of Virginia, the colony of the new world which was then giving new direction to the thoughts and imagination of Englishmen.

Among the many who at this time and for this reason became emigrants to the Old Dominion was one George Mason of Staffordshire. The long centuries tell little of his life story before he landed at the primitive village on the James. The family name appears among the members of the second parliament of Charles I, and a family tradition has preserved the story of his having commanded a troop of horse among the defeated at the battle of Worcester. The early colonial records of Virginia contribute but meager notice of George Mason the emigrant. They show that as the owner of an extensive estate he was a forceful character in the new community, ever active and equal to its demands; but his chief claim to distinction will always be that he was a progenitor of one of the most illustrious families of the new world. A son, Lieutenant-Colonel George Mason, in 1700 became Commander-in-Chief of the Jamestown militia, and held other offices of honor and distinction in the colony. A third George Mason, son of the latter, likewise won a reputation for exceptional attainments. Early in life he became a Justice of the Peace, the office at that time being one of first importance in the judicial affairs of the colony. He likewise became Sheriff of the County of Stafford, and when in 1716 Governor Spottswood and his "Knights of the Golden Horseshoe" accomplished the then famous journey across the Blue Ridge Mountains to the Shenandoah Valley and took formal possession of the country by firing a volley and drinking to the

health of the king in champagne, to the health of the princess in burgundy, and to the rest of the royal family in claret, Colonel Mason was one of the number.

In 1721 George Mason married Ann Thomson, the daughter of Stevens Thomson, Attorney General for Virginia during a portion of the reign of Queen Anne. Their two sons, George and Thomson, were destined to fill larger places during the later days of the colonial period and the earlier days of the republic. Five miles from Mount Vernon on an inlet of the broad Potomac stands Gunston Hall, the colonial home of George Mason, who in his day was the trusted friend of Washington, of Jefferson, of Patrick Henry and that galaxy of great Virginians who wrought so nobly in the cause of liberty, and for the upbuilding of a new government dedicated to its cause.

In statecraft George Mason ranked with the men of first abilities. His great mind conceived and his hand penned the famous Declaration of Rights and the first constitution of Virginia. To tell the incidents of his service to his country would require the limits of a volume rather than a paragraph. To Gunston Hall went Lafayette as an honored guest, and there likewise went the patriots of the day to catch the inspiration of his master mind. It is not strange that the Negroes and simple folk of the neighborhood still believe that the sage who was once the master, at intervals yet returns to walk at night its spacious grounds, recalling the olden days. It is befitting the honor of the Old Dominion State that the form of George Mason, cast in deathless bronze, should stand with that of John Marshall and the other illustrious sons of the early day about the

equestrian statue of Washington upon the campus of the Capitol at Richmond.

Thomson Mason, the younger brother, was likewise a man of more than ordinary intellectual grasp and power. He studied law in the Temple at London and at his death in 1785 ranked with the first in ability and attainments at the bar of Virginia. As early as 1774 he published a series of papers urging open resistance to the demands of the mother country. In 1778 he was appointed a member of the first Supreme Court of his State. He was twice a member of the Virginia House of Delegates and served in other capacities which at once bespoke the reality of his abilities and the confidence of his constituents.

The home of Thomson Mason was in Loudoun County, Virginia, where he became the owner of a vast tract of land. His manor house was erected at Raspberry Plain, some four miles from the village of Leesburg, where the Blue Ridge Mountains are lost in the gentle swells of a rich, undulating country, which the present-day inhabitant will tell you is "the garden spot of the world." Thomson Mason was twice married. The eldest son of his first marriage was Stevens Thomson Mason, born in Stafford in 1760. This young man, Thomson Mason—young, for he died in 1803—had all the fire and vigor of his ancestors. At the age of twenty he had reached the rank of Colonel in the Revolutionary Army and later saw service in many a hard campaign. He was a member of the Virginia Convention of 1788 and of the United States Senate from 1794 to the date of his death. His wife was Mary Armistead, a lady who possessed a mind

of great strength and power as well as a face and figure of more than ordinary charm and beauty.

The home life of Stevens Thomson Mason had all of the charm that surrounded the home life of the best days of Virginia. Raspberry Plain and extensive lands were his portion of his father's estate. The old manor house with its spacious halls and broad veranda, its setting of native forest trees with the double line of locusts that marked the drive to the highway a quarter of a mile away, were all marks of a hospitality inborn and gracious that was there enthroned. There was even an element of fascination and delight in the row of whitewashed cabins where the numerous company of servants which the establishment supported were given the means of every physical comfort. Slavery at Raspberry Plain and indeed upon the plantations of the Masons generally was an institution that imposed quite as many duties on the master as burdens on the servant. The bond between them was genuine and real, as both demonstrated on many occasions. George Mason was a member of the convention which framed the Federal Constitution, and no man of his State took more advanced ground than did he on the great question of human slavery; while the brother Thomson left evidence of the reality of his interest in the form of substantial bequests insuring the future comfort of the servants whose fidelity he recognized as a claim upon his bounty.

The Mason home, moreover, was not the home of either vanity or indolence. It was the home of the old Virginia aristocracy where pride of family, culture and appreciation of the true dignity of labor were all relig-

iously inculcated. To this end the will of Thomson Mason contained a provision that neither of his younger sons "should reside on the south side of the James River or below Williamsburg before they respectively attain the age of twenty-one years, lest they should imbibe more exalted notions of their own importance than I could wish any child of mine to possess."

Such were the surroundings and social atmosphere of the home in which Senator Stevens T. Mason lived and in which his children, two sons and two daughters, were born. The sons were Armistead Thomson Mason, member of Congress and a general in the War of 1812, and General John Thomson Mason, who became Secretary of Michigan Territory and who was the father of Stevens Thomson Mason, the first Governor of the State. Although Senator Stevens T. Mason died in 1803, he lived long enough to impress his personality upon his sons, and inspire them with an aspiration for high attainments. Men of learning, wit and eloquence, the leaders in the larger affairs of the State and Nation, were frequent partakers of the hospitality of Raspberry Plain, imparting to the lads a degree of refinement not otherwise obtained, while their minds were opened to the vast world beyond the plantation limits by occasional visits with their father to the city of Philadelphia and other places where official and other business called him. In 1808 John T. Mason had progressed beyond the instructions of the private tutor who in that day was an adjunct in every family of considerable estate, and was a student in the famous college of William and Mary at Williamsburg, which even then could count scores of names made eminent in the highest walks of life, who claimed it as

STEVENS THOMSON MASON
Of Raspberry Plain, Va., 1760-1803, Grandfather of Gov. Stevens Thomson Mason.

MARY ARMISTEAD, VA

Daughter of Robert Armistead, Grandmother of Gov. Stevens Thomson Mason of Michigan. From a colored crayon by James Sharpless, probably in 1794.

MASON HOME ON RASPBERRY PLAIN, VIRGINIA
Copyright applied for by R. A. Lancaster, Jr., 1905.

their Alma Mater. It was here that John T. Mason met Elizabeth Moir, the daughter of a Scotch family long domiciled upon Virginia soil. The chance meeting was the commencement of an attachment that a year later resulted in his taking her as his bride to his Loudoun County home.

John T. Mason had already come into possession of his share of his father's estate, which portion was considered an ample fortune for that day. On a portion of the old plantation thus inherited he erected a model dwelling to which he gave the name of Moirfield, in honor of his bride, although it was only for a short time their residence. He had begun the practice of the legal profession for which he had made preparation, and for a time the nearby town of Leesburg, the county seat of Loudoun County, was his home. There are letters in existence which lead us to believe that it was while living here that the subject of this volume, Stevens Thomson Mason, was born, much as we would like to believe, as it has been sometimes stated, that he was born in the old manor house at Raspberry Plain. The date of his birth was October 27, 1811, and we may be sure that the advent of this son, the first among the children of the Senator and his queenly wife,—although a daughter had been born the year before,—was the occasion of genuine rejoicing in the family. We can well imagine the scene when a little later the army of kinsfolk gathered at the little church for the christening of the baby with the name of his illustrious grandfather, Stevens Thomson Mason. The solemn service concluded, the company repaired for the concluding festivities to the old manor which was fittingly garnished for the important occa-

sion; a family reunion, Christmas and a wedding were the only events of more importance than a christening. Family tradition tells of christenings when from far and near as many as three hundred of the kinsfolk gathered to partake of the joys of the occasion, and we may be sure that upon this event they were equally loyal. In keeping with family custom the broad halls and spacious rooms of the old homestead were bright with the festoons of autumn decorations. It was a day of gaiety for the "quality," and long after it had passed was a theme of conversation among the servants.

The career of the future Governor of Michigan on Virginia soil was destined to be of short duration, but as so frequently happens in human experience, accident rather than design was the occasion for the fact that his boyhood was spent in the State of Kentucky. At this time the two sisters of the father were in the charm of their young womanhood. They were, as might be expected, drawn to Washington as participators in its social gaities. There Catherine, the elder, met and became the wife of Honorable William T. Barry, then a young Kentucky congressman, later Postmaster General in the Cabinet of President Jackson. Mary, the younger, became the fiancee of Honorable Benjamin Howard, also a member of Congress from Kentucky, who at about that time had become Governor of the Territory of Louisiana from which the Territory of Missouri was later formed. The mother was reluctant to give her consent to a marriage that would remove her youngest daughter so far from kith and kin as Missouri; but the lovers had a strong champion in the brother John, who not only was loyal to his sister in her love, but became a convert to

the claim of the greater opportunities of the newer West where the glories of the empire were in waiting. The romance, if such it may be termed, ended in the marriage of the lovers, and they with the family of the brother started as emigrants to the land beyond the Mississippi. Such a venture in 1812 was not a matter of small moment, for it meant the passage of the mountains and weary weeks in the wilderness and upon the rivers, with a company that approached the magnitude of a caravan, for the family of the father had now been augmented by the arrival of the maternal grandparents who had come from Williamsburg to make a home with their daughter. A lumbering coach-and-four provided for the ladies and children; the gentlemen were in the saddle; while a score of servants from the grandfather's estate trudged on afoot or rode the wagons that conveyed the effects and provisions for so large a company. But fate had seemingly decreed that they were not to reach their intended destination. Upon arriving at the city of Lexington, Kentucky, weary from weeks of journey, Indian uprisings upon the frontier and portentious war movements were the factors which persuaded them to make that place their home until both had passed away.

John Mason at once set about the conservation of his moderately extensive property interests until affairs should permit the prosecution of his original intention. Governor Howard tendered his services to the Government, which gave him a commission as Brigadier General. In the meantime the war continued. Congress created the Territory of Missouri and gave the governorship into other hands. In the early spring of 1813 an event happened that had more to do with determining

the intentions of the family than had either war or politics. Death entered the family circle and claimed the bride of a year, the sister of John Mason, the wife of General Howard. It is probable that all intention of proceeding farther westward was then abandoned; if not it certainly must have been when a few months later the broken-hearted husband was laid beside the wife and sister.

CHAPTER II

The Sojourn in Kentucky

TO the Virginia emigrant of the early days, Kentucky was a land of rich and varied charms. Then as now the gentle undulations of the central blue-grass country awoke enthusiasm in the breast of the beholder. Its mighty forests, fertile soil and deep flowing rivers bespoke for it a future of more than ordinary hope and promise. Long before John Mason set his face westward thousands of Virginians had crossed into the land of Boone and Kenton and had laid the foundations and raised the superstructure of a State. As early as 1812 Lexington was a town that could boast of all the refinements of communities long tempered by age. Schools and churches of high character had made their advent, social graces and the lighter accomplishments had many votaries. It was as large as Cincinnati and four years later a traveler said of it, "The inhabitants are as polished and, I regret to add, as luxurious as those of Boston, New York or Baltimore."

It was natural that John Mason should have readily accepted the fate which had brought him hither and that he should have at once entered into the business and social life of the community. With but short delay he took up the practice of his profession at the bar where the names of Clay, Barry, Breckenridge and others were already famous, and soon won for himself a respectable

clientage and the reputation of a solid and responsible citizen. The first three or four years of residence at Lexington developed little of exceptional family interest. Acquaintanceship was extended and the father looked forward with every assurance of a prosperous career. During the first two years' residence, two sons were born to die in infancy, although young Thomson continued to develop into sturdy boyhood. The maternal grandparents were still inmates of the home and the grandmother found as much delight as did the children in recounting the stories of the Revolution and the colonial days of old Virginia. Even before Tom had essayed to solve the mystery of books and lessons, he knew by heart the stories of the students at William and Mary's College, the old days at Williamsburg and the great doings at the Capitol before the war. The second sister, Emily Virginia, who in later years became the trusted confidant of the brother, was born in 1815. A little later the father purchased a large estate some three and one-half miles from town to which the family were removed. Even before this time John Mason had acquired many large and valuable properties both in Lexington and in the surrounding country and for some years thereafter his real estate holdings were upon a scale quite beyond the ordinary. The country home was located upon what was then known as the Boonsborough Road, now the Lexington and Richmond Pike, a short distance beyond "Ashland," the famous home of Henry Clay. Although the lapse of years had swept away every old-time association, the old manor still stands, a sad and silent witness of a forgotten generation. The house, built by Colonel Levi Todd in 1780, is said to be the first brick

house west of the Alleghany Mountains. Many historic associations are connected with the old homestead, for Colonel Levi Todd was the ancestor of Mary Todd, the wife of Abraham Lincoln, and the old house in later years when it had passed into other hands was the scene of their entertainment and the home of other illustrious personages in Kentucky history.

Upon its becoming the home of the Masons it was given the name of "Serenity Hall" after the home of the father's maternal grandfather, Robert Armistead, of Louisa County, Virginia. The days at "Serenity Hall" were the joyous days of the family residence at Lexington. It was an estate of between two and three hundred acres of the famous blue grass. The old house at that time could claim an approach to the appointments and dignity of a palace. The old servants were again about the family recalling the old days and early associations. "Granny Peg" who had been purchased as a child from a slaver on the James River as an act of compassion by William Moir, as the mother's maid, was here at liberty to scold while she rendered tireless, faithful service. Here Tishey the cook, and Jackson the coachman, in unconscious servitude performed their daily duties with pride of place and association. The home and farm maintained a company of more than twenty servants who in the homestead, spinninghouse, shop and field made a community that was quite self-supporting. Even in such a home, life was simple; satisfying pleasure abounded in field and forest and in the social intercourse with friends and neighbors. Sundays always found the families at the Episcopal Church where all were communicants and where each found mental and social as well as spiritual

satisfaction. Young Tom, now a lad of six years, with his sister Mary a year his senior, were now receiving daily instruction from Mr. January, the tutor, who had come out from Virginia. The monotony of the school days was varied by a romp about the quarters with Sam, Robert, Evelena or Coty, or perhaps in listening to some folklore tale from the lips of old Peff or Granny Peg, whose store of wonders was well nigh inexhaustible. At infrequent intervals the family was treated to the delight of a journey back to the old Virginia home. The father did not relinquish his professional labors even when he assumed the cares of a farm proprietor, and time brought still others. In 1817 a branch of the United States Bank was organized at Lexington and John Mason became one of its directors. While other enterprises claimed his interest and attention, yet on occasions the father found time from his business and professional career to join in those trips back to his own boyhood home.

Long years afterwards, the joys of those journeys remained with those who participated in them. It required the better part of three weeks for the old coach and its four-horse team to cover the distance. The travelers never tired of the changing scenes amid the hills and valleys that filled the way. Daily the midday meal was devoured beside some spring or babbling brook, while the nights were spent beneath the roofs of the homes of the pioneers where they were treated to the crude but unstinted hospitality of that early day. In later years one of the children recalled that it was the custom of the mother on these journeys to charge the one who rode ahead to find the stopping places for the night, to select the house that had curtains at the windows, reasoning

that curtains were a true mark of both affluence and gentility. The arrival at the old home at Raspberry Plain and the meeting of the numerous kinfolk was the crowning joy of the journey. At times pressing business required that the father should forego the companionship of his wife and children and should make the journey hurriedly and alone. One such occasion plunged the family into deepest sorrow. It was when in the early days of 1819 a swift messenger brought the sad tidings that the father's beloved and only brother, Armistead Thomson Mason, had been killed in a duel with his cousin, Colonel John McCarty. At Leesburg the old inhabitants will still tell you the old story as it has been handed from the father to the son: how the quarrel started between Mason and McCarty, who were opposing candidates for congress; how they met with rifles on the famous dueling ground at Bladensburg, Maryland; how at the signal both rifles cracked with one report; how the bullet from Mason's weapon shattered McCarty's arm and how the one from McCarty's rifle struck the lock of the one in Mason's hands, split in two, one-half burying itself in the heart of the victim. They will tell you further of how because of the tragedy a beautiful young lady refused to become McCarty's bride and how later they were brought together by the magic of a song, and they may tell you how years later their child and first born of their union, dead from a weapon in his own hands, lay in the same room at old Raspberry Plain that had been the death chamber of Armistead Thomson Mason. The death of this brother was a sore blow to John Mason, for the tie between them was of the tenderest, the only son of the former having been given the name of the cousin,

Stevens Thomson Mason, destined to meet the death of a soldier as an officer of the Union forces in the war with Mexico.

This same year an event transpired that may have had some bearing on the later career of the "Boy Governor" of Michigan. James Monroe was then President of the United States. Years before and while John Mason and his young wife were still residents of Loudoun County, "Oak Hill," the country home of James Monroe, was but a moment's drive from the Mason home at Raspberry Plain. Between the two families there had long been the most cordial and friendly relations, indeed Monroe had stood as the godfather for the infant daughter Mary before the family had emigrated to Kentucky. Even then he had held many high places in the gift of his state and nation, having served with George Mason in the famous Virginia convention of 1788; been governor of his State, member of the United States Senate and minister to France. Now as President he was making a tour promoting "the era of good feeling." Lexington was one of the cities whose fortune it was to lay in the course of his itinerary. Its citizens made becoming preparations for the reception and entertainment of their honored guest. Whig sentiment was strong in Lexington, as it was strong in Kentucky generally at that time; and one cannot repress a smile as he scans the columns of the Lexington *Gazette* of that time and notes the strenuous objection of the paper to the preparations made and especially to the company of cavalry that was detailed to act as the honorary escort into the city as being unsuited to that simplicity that should be regarded by the head of a republic; but the cavalry and other

military companies joined in the reception. A public dinner was given the President and his suite at Keen's Hotel. A town address was delivered by a select committee of which John Mason was a member and responses were made by the distinguished guests. The festivities lasted for three days with a Sunday intervening and during the time the President and his suite enjoyed the hospitality of his old Virginia friends. Among the company at "Serenity Hall" there was a wounded hero who was eyed with special veneration by the youthful Tom, for he was the popular idol of the hour, his fame advancing in every corner of the new republic. It was General Jackson, the hero of New Orleans, fresh from his Florida campaign. He was then in the full vigor of his years but somewhat weakened from the effects of the wound received in his duel with Dickinson thirteen years before, and the children of the home always remembered him as, resting on the sofa, he took a toddy from their mother's hand. In after years when Andrew Jackson had become president of the Republic and young Mason had need of a friend in high place, how much he owed to this chance meeting and to the fact that Old Hickory had once enjoyed the hospitality of his father's home, the records will never tell.

In the latter part of the year 1819 John Mason parted with "Serenity Hall" and many of the servants and soon became interested with other gentlemen in the development of the iron deposits in the vicinity of Owingsville and Beaver creek. He still retained considerable property in Lexington and vicinity and from old family letters we find that for the next two or three years the family made several changes in its place of residence. Some-

times they were at the "Swift" house and sometimes at the "Higgins" house. Even before they left "Serenity Hall" young Tom had begun the preparatory work for entrance into Transylvania University where in later years he became a student. Daily in company with young John Barry and other youthful associates he rode his pony into the town, returning when the day's lessons were learned and recited. We find that during these boyhood days young Mason was anything but an effeminate lad; he had both the spirit and the courage of youth and on more than one occasion seems to have been willing to engage with riding-whip and fists in the contests that decide boyish claims of honor. It was in 1822 that Tom suffered his first great bereavement which came in the death of his sister and playmate Mary. To him the loss of his sister was the cause of most poignant grief and to the fond parents the occasion of a lasting sorrow.

And now, as if disasters were destined never to come singly, the fortunes of the father, which but a few years before had seemed of the brightest, were beginning to darken. At first a material loss through the failure of business associates for whom he had become surety was borne with the belief that he might in time retrieve from the wreckage of them who had brought him his loss, but the continuing shrinkage in value of the property from which he sought to realize, left him but little in the equities; and then it was that he turned his attention to his iron properties at Owingsville and on the Beaver and to a distillery at or near Mount Sterling. Although the financial reverses that had been suffered were considerable, John Mason was still reckoned among the men of affairs in the community and he went resolutely to work

to rehabilitate his fortune. The Kentucky Assembly in 1823, evidently taking notice of his efforts in the development of the iron industry at the Beaver Forge, gave legislative sanction to the creation of a "lottery for the opening and improving of the road from the Olympian Springs to the Beaver Creek iron works." Lotteries of this character were institutions quite common in that day and of this particular one John Mason was made one of the managers. At this time the family removed to Jowetts Farms or "Indian Fields" that the wife and children might be near the father, although there is reason to believe that Tom remained at his books at Lexington.

These were the days of care-free joy for the children, especially during the long summer days when young Tom was free from school restraints to be the leader in their frolics afield. Sometimes for weeks they were at the Olympian Springs or Mudlicks, drinking in strength and vigor as much from the air of the hills as from the water which broke pure and sparkling from many springs. The incidents of the Bath County residence long continued a subject of delightful reminiscence and pleasant reflection. It had not been intended that the family should take up a permanent residence among "The Knobs" as the Bath County country was called, and upon the death of the grandmother at Raspberry Plain in 1824 the family returned to Lexington, which was better suited to the profitable employment of the servants who now came to the father from the mother's estate. John Quincy Adams, on being elected President the same year called Henry Clay to his Cabinet as Secretary of State, and the next year, 1825, John Mason became a tenant of "Ash-

land'' where the family resumed a most happy existence. The sister Emily was now a student in Colonel Denham's school, and a little later a student in the famous French school of Madame Mantelli, to which she rode daily behind the brother on his pony, with John Jackson, the coachman, riding one of the carriage horses close at hand to see that no harm befell. Of this latter school the sister Emily three-quarters of a century later said: ''Here we danced and sang and were as gay as only French people can make a house. Madame played the violin, her son Waldemar, the clarinet, and Mam'selle Marie danced with a grace beyond anything I ever imagined, while Mam'selle Louise made the best waffles ever eaten. It was a happy household, giving happiness to all within its reach, and here I got on rapidly.''

At this time the great Lafayette was on a visit to the nation by invitation of Congress, and in May, 1825, he was the guest of the town of Lexington, whose citizens were not outdone by those of other cities in demonstrations of enthusiastic welcome with which he was everywhere greeted. It was a day that made a lasting impression upon the mind of young Tom, for the stories of the Revolution and the part his ancestors had taken therein had made its heroes all beings of special veneration to him. And then it was a day in which the youth and children took an active part. Tom and his mates were in the gay procession, and his sister among the white gowned company that scattered flowers along the way. The ball given in the evening, upon which Tom and his sister were permitted to look for a time, long remained to them the crowning scene of gaiety and splendor. Year

after year they would sometimes call to mind one of the songs composed for the occasion:

Let Brandywine the story tell,
And Monmouth loud acclaim,
Let York in triumph loudly swell
The measure of his fame.

For Auld Lang Syne, my dear,
We never can forget
When dangers pressed and foes were near,
Our friend was Lafayette.

He crossed the broad Atlantic wave,
And swore we should be free;
He led the bravest of the brave
To death or victory.

For Auld Lang Syne, my dear, etc.

But little less impressive than the honors paid to Lafayette were the solemn memorial services following the death of Thomas Jefferson and John Adams on the same day, July 4, 1826. Then as on the former occasion there were the processions, but now instead of flowers they wore black sashes as a badge of mourning, the ceremonies closing with an oration delivered from a rostrum in the open air by the uncle, Hon. William T. Barry.

The family continued to reside at Ashland until 1827. Young Tom had now become a man of stature, tall for his years; his handsome face and figure and his frank engaging manner were the subjects of frequent mention in the letters of his friends and relatives. A cultured home and an alert and active mind had made it possible for him to make progress in books and education much beyond his years. Although his attainments were not markedly different from those of the average youth who were likewise fortunately surrounded, he yet possessed

certain manly qualities which, with an absence of arrogance and vanity, brought him even in his youth the notice and friendship of men many years his senior, some of whom had made for themselves names of distinguished honor; among whom may be mentioned the Hon. Richard M. Johnson, who later became Vice President, and who was ever willing to respond with kindly counsel in the days when official burdens came to the Boy Governor.

Had it been the will of Providence that the life of Stevens T. Mason should be spent in old Kentucky, it would seem that his youthful abilities and friendly associations might reasonably have been taken as the token of a bright and successful future amid the scenes and companions of his boyhood; but Providence had seemingly decreed that the theater of his manhood activities was to be in a region far distant from the home of his early years, and that his fame was to be wrought in a sphere quite foreign to any that his boyhood dreams or aspirations had conceived. John Mason still retained his interest in the iron industry among the Bath County hills. The methods of production were necessarily crude and the means of transportation slow and uncertain. Except such as went by wagons to the more or less remote localities, the only means of transportation for the manufactured product was by flat boats floated down the Slate or Beaver creeks to the Licking River and thence to the broad Ohio, from whence the comparatively small cargoes were distributed to the towns which at intervals had come into being upon its shores. At about this time Mason had intrusted to an agent such a cargo of bar iron and castings to be sold at the Ohio ports. The cargo was disposed of, but the agent defaulted in

THE "DAVIS PLACE," MT. STERLING, KY.
The Kentucky home of Gen. John T. Mason after the removal of the family from Lexington and before the removal to Detroit.

WILLIAM & MARY COLLEGE, WILLIAMSBURG, VA.
Here Gen. John T. Mason was educated and here he met and married the mother of the Boy Governor of Michigan.

TRANSYLVANIA UNIVERSITY, MORRISON HALL

One of the original buildings of Transylvania. This building is said to have been erected by Henry Clay as executor of the will of the man whose name it bears. The school was one of the most noted in its day. Stevens T. Mason is said to have been a student here. Jefferson Davis, Richard M. Johnson and many other prominent men of the last century were from this school.

accounting for the proceeds to the amount of more than eight thousand dollars. Although to the great iron companies of today such a loss would be of small moment, it was far different in 1827 when such a cargo represented long weeks of labor and a material portion of the capital invested. To John Mason the loss was a financial disaster. It meant inability to meet his own obligations and suits and resulting executions to deplete still further his already reduced possessions. This misfortune again sent the family to the Bath County "Knobs." They spent the summer at the Olympian Springs, and the following winter at the quaint village of Owingsville, which is still one of the most interesting towns of Kentucky. In the spring of 1828 they removed to Mt. Sterling, which was their last Kentucky home. They were now a numerous family, for if Providence had visited the father with some misfortune, He had bestowed the blessing of many children. It was while residing here that the eighth daughter and last child was born. The little life was doomed to be of short duration. One of the pathetic things of the "Mt. Sterling days," which was in after years recalled, was the death of the little one, and how for the want of a clergyman, the father stood by the open grave and in faltering voice read the service of the church as the family knelt about.

It is one of the blessings of life that adversity cannot cloud the joys of childhood, and so while many a burden of care and trouble rested upon the heart of the father and the mother, who keenly felt their altered circumstances, the children found in the new scenes and surroundings the essentials of a joyous existence. The residence was at the border of the town and in its appoint-

ments furnished all of the comfort, and for that day, some of the elegance to be desired in a home. Its lawn studded with lilacs and roses, sloped to a green meadow beyond, and its spacious garden furnished the means of many an hour's delight. A few of the old servants still remained with the family, and the father strove with renewed energy to gather in the remnants of his fortune. Tom was not unconscious of the changed conditions of his father's affairs, and with a desire to lighten the family burden, with true American spirit, became a grocer's clerk; and the sister recalled in later years that the pennies, so dear to the children in those days, came to them from the earnings of "Brother Tom." For many months young Mason applied himself with energy in his humble calling, devoting the hours of night with his sister Emily in learning the lessons marked for them by the father, to be recited when he returned from the iron works or from some distant "circuit." The father had collected a choice and for that day a moderately extensive library of both legal and general literature, and from the latter both Tom and his sister read with keen avidity. It was then the brother began the practice he afterwards at times continued, of writing out the choice passages of the favorite authors he perused.

Had John Mason been born to the situation and environment by which he was now limited, or had he been a man of less restless energy, he might have found all of the essentials of comfort and contentment in his present station, for he still had the means of a livelihood; he had that satisfying pleasure that comes to a parent from a talented and interesting family and was a part of a society that was not without a good degree of the charm

of culture and refinement. But like many another man, John Mason could not shut out the past; he still hoped to retrieve the fortune of other days. There is nothing to indicate that as yet he had ever taken more than a general interest in things political. His ambition had been for professional and business success and never for politics as a business or profession. Years later when the son was the central figure in the political affairs of the new commonwealth of Michigan, he urged professional and business attainments rather than political preferment as the more worthy object of his ambition. All the reasons that may have influenced John Mason to seek a political appointment, it is not now possible to ascertain. Among such reasons, a desire to remove from the witnessing associations of his misfortune, to provide an assured support for a numerous family while he built up a business in the new community or while he turned his energies and attentions to enterprises of a character that might or might not yield immediate profit, were undoubtedly reasons of a more or less persuasive character.

Andrew Jackson was elected President in 1828, and on the 4th day of March, 1829, assumed the duties of his office. The following months were of more than ordinary political activity and interest. Not only were great questions engaging the attention of statesmen, but Jackson had assumed office with the lesser official positions of the country filled with his political enemies who were not averse to using their power to the detriment of his administration. As a matter of self defense, many of such officials were removed and friends of the President and his policies appointed in their places. William

T. Barry was now a member of the President's Cabinet, being the first Postmaster General to occupy a Cabinet position. With such motives and under such political conditions, John T. Mason either sought or had tendered to him the office of Secretary of the Territory of Michigan, which for many years had been filled by Hon. James Witherell, General Lewis Cass being then the Governor. The political prospect was an exceedingly pleasing one to young Tom. The contest of the preceding campaign had intensified his enthusiasm for General Jackson, who was already the military hero of the Nation, and quickened his interest in those great political principles for which his ancestors had done battle for more than a century upon American soil. Moreover, Michigan and her mighty lakes had a strong hold upon his youthful imagination. In the war of 1812 a large number of the soldiers who had marched to the northern border were from the homes of Lexington and surrounding country. Many a time he had listened with rapt attention to the recital of the sufferings of those brave Kentuckians who were with Winchester at the battle of the Raisin; with Shelby and Harrison beyond Lake Erie, and who rode with Johnson at the final battle of the Thames where the brave Tecumseh fell with his face to the foe.

John T. Mason received his appointment on the 20th day of May, 1830, but before that time both father and son had said good-bye to mother and sister and had taken their way back to the old Virginia home, where after hasty greetings and adieus, they hurried to Washington where the father concluded the duties preliminary to entering upon his official station in far-away Michigan. From Washington by the slow conveyances of the day,

through Philadelphia, New York, Albany and the Erie Canal, they sought the distant village of Detroit where they arrived on the 18th day of July. In time a home for the reception of the family was procured, and as the father at the time was Acting Governor in the absence of General Cass, Thomson returned in the early autumn to bring the family to its new home. The last days in Kentucky were spent at Owingsville with Mr. Ambrose Dudley Mann, who had been a student in the office of John Mason at Lexington, and who in later years represented the Government in the diplomatic service at Trieste, Hanover and Berlin, closing his official career as a Commissioner from the Conferedate States to some of the continental countries of Europe from 1861-65. Of these last days this distinguished man later wrote, "They were passed with my wife and myself with mingled joy and sorrow on all sides,—joy in charming associations, sorrow that it could not be continued."

In early October, when from the hilltops they looked across the wooded valleys resplendent in vestments of crimson and gold, the family took its departure, Granny Peg and one or two servants accompanying, faithful even into the land where their freedom was assured. After many days of travel over hill and through vale to the city of Cincinnati and thence northward, the numerous family with their effects joined the father at Detroit; and no one could see, even in the dim realm of fancy, what the future held for them in store.

CHAPTER III

Life in Michigan Territory

IN 1830 Michigan Territory included not only the territorial limits of the present State of Michigan but also that of the present State of Wisconsin. In this vast territory civilization had as yet done little more than plant a few outposts from which to penetrate the wild interior. Immigration into the Northwest had been into Ohio, Indiana and Illinois. Michigan, by the force of events, was compelled to await the settlement of these former States before the stream of emigration turned towards her borders. In 1830 Michigan Territory, although it was the land of the Northwest first touched by the foot of European, could boast a population of but 32,531, and a little more than three thousand of these were in the region west of Lake Michigan, where settlement had been made at Green Bay and Mineral Point, numbers having been drawn to the latter place by the lead mines discovered there.

This territory was the remnant of the old Northwest, and its government had passed through various transmutations from the system inaugurated under the Ordinance of 1787. Under the paramount control of the President and Congress, its government was now intrusted to executive and judicial branches appointed by the President with the advice and consent of the Senate, the legislative branch being vested in a Territorial Council of thirteen members, chosen by the vote of the people,

as was also the Territorial Delegate who had a seat in the national Congress. The Governor was the executive head of the Territory and Secretary of Indian Affairs within its limits. He had the power to pardon offences against the laws of the United States. He had likewise the power of appointing in the counties of the Territory all Justices of the Peace, Judges of Probate and Judges of County Courts, Sheriffs, Clerks and judicial officers generally.

The Territorial Secretary had various administrative duties and in the absence of the Governor discharged as Acting Governor the duties of his superior. The supreme judiciary was a court of one presiding judge and two associate judges who had both common law and equity jurisdiction, and who held their court in stated places in the Territory. From this court an appeal might be taken to the Supreme Court of the United States and to it appeal might be taken from the courts of lesser jurisdiction. At this time likewise a provision had been made for a District Court to provide for the needs of that distant region known as the County of Mackinac. The Territorial Council, gathered at Detroit from the near and distant places of the Territory, had authority to legislate; for territorial affairs and their enactments had the force of law until Congress refused approval. Under its authority counties were laid out, townships organized and the machinery of local government provided.

As late as 1818 there were but six counties in the entire Territory; Wayne, Monroe, Macomb and Mackinac were in Michigan proper, while Brown County, with the county seat at Green Bay, included the eastern half

of the present State of Wisconsin, and Crawford County, with county seat at Prairie du Chene, was the western half. Such was the growth of population that by 1830 the country east of Lake Michigan had been carved into twelve organized and twelve unorganized counties; eleven of the number had been laid out in 1829, eight of which had been given names for the President, Vice President, members of the Cabinet, and Governor Cass.

Highways even in the organized counties were as yet a rarity, the principal ones being the few military roads projected by the Government and paid for by appropriations from the national treasury. The first of these was the road from Detroit to Perrysburg through the "Black Swamp" at the head of Lake Erie, a region that had figured so disastrously in the War of 1812, for which an appropriation was made in 1824. Three years later military roads were under construction from Detroit to Chicago, to Saginaw Bay, and to Fort Gratiot at the outlet of Lake Huron; while still another was to connect Detroit with Monroe, the River Raisin and the road to Sandusky. From these main highways radiated the blazed trails which led to the isolated settlements of the border.

Of the counties east of Lake Michigan, Wayne, Washtenaw, Oakland, Macomb and Monroe contained practically all of the population. A house or two at the Soo kept alive its claim to being the oldest settlement of the Territory; Fort Mackinac frowned from the heights of the enchanting island of the northern Straits, and there in season the traders and gay voyageurs, the Indians and the coureurs de bois gathered to make ready for the trade of another year, which was to take some of them as far westward as the tributaries of the Missouri. From

lake to lake southward the mighty forest stood unscarred by the ax of the woodsman, except in a few places where from the older days the white man had met the Indian for trade or council, or upon the southern border where the settlers were beginning to carve their clearings. At Saginaw, General Cass had met the Chippewas in council in 1819, when the treaty was signed whereby the Government took over the lands of eastern Michigan. At this place there was now little more to the "city" than the stockade fort erected by the General Government a year later, together with the buildings of the American Fur Company; the fort had been abandoned in 1824 because of the illness of the greater number of the garrison from the fever and ague that was contracted from the marshes of the region.

Frenchtown of the earlier days had become the more pretentious village of Monroe. Tecumseh was on the extreme frontier. General Joseph W. Brown, Musgrove Evans and Austin E. Wing, prominent names in the later days of the Territory, had laid its foundations in 1824. Samuel Dexter and a few neighbors were at the village that still bears his name, while Ann Arbor and Ypsilanti were villages of pretentious character. Their supplies were packed through the woods from Detroit, drawn by ox teams from the same place by way of an old road through the village of Plymouth, or poled up the Huron from Rawsonville, then called Snow's Landing. Mt. Clemens, which had assumed the dignity of a village many years before, couldn't yet show more than a few score of inhabitants. A few clustering buildings marked the modest beginning of the thriving city of Pontiac, which was to be for some little time the northern ter-

minus of the Detroit and Saginaw Bay Turnpike. Here and there a log dwelling or pioneer tavern may have marked the site of other places now grown to busy marts of trade and industry, but they differed little if any from the primitive habitations which were the homes of the far separated settlers in the isolated "clearings."

The only place along many miles of coast where the eye of the voyager caught sight of the homes of men long domiciled upon the soil was upon the beautiful Detroit above and below the city of that name. From the river's shore extended the ribbon-like farms of the French *habitants*, their houses and barns brought in close proximity, forming in many places a country street back of which the old orchards of the apple and the pear formed a charming background. In such homes dwelt the French *habitants* in Arcadian simplicity. Their care-free gaiety had become as a proverb and the moss-grown crucifix everywhere present on house and barn was the sign of his continuing devotion. His little farm, the industry within his home and the slow revolving windmills that dotted every few miles of shore, supplied his every comfort as well as the luxuries of his simple existence. Detroit was the metropolis of the territory by a large majority, a century and quarter having raised it to the dignity of a city of two thousand people. Although old in years the town was essentially modern, for the fire of twenty-five years before had swept away every vestige of the old days with the exception of one or two buildings. Its business portion was well confined between Jefferson Avenue and the river and between Griswold and Bates Streets. At the northwest corner of Jefferson and Cass stood the old time hostelry known

as the "Mansion House," while the then famous "Steamboat Hotel" where Uncle Ben Woodworth was for many years the host, was at the northeast corner of Woodbridge and Randolph. At the corner of Larned and Bates the imposing pile of Ste. Anne's was then approaching completion. The territorial capitol was at what is now Capitol Park, at that time so far "out on the Common" as to occasion much criticism because of the distance. The Methodists, Presbyterians and Episcopalians had all provided places of worship. The first named society had begun the erection of its church edifice at Gratiot Avenue and Farrar Street, which time demonstrated was so far upon the "Common" as to be unsuited for its purpose and was ultimately abandoned for a site "nearer town"; the two latter societies had their houses of worship on Woodward Avenue between Larned and Congress Streets, the church grounds being a part of what before the fire had been known as "The English Burying Ground." The homes of the people were upon Jefferson Avenue east, Larned and Congress Streets, and dotted a district as far north as the Campus Martius. Jefferson Avenue extended but a short distance to the eastward, and from the Grand Circus the lines of tenantless streets radiated into the adjacent forest.

More than one-half the inhabitants of Detroit conversed in the French tongue and lived the gay, lighthearted existence of the French people. The conveyances upon the streets were the two wheeled pony carts in summer and the carioles in winter drawn by the sturdy French or Indian ponies. Old habits and pleasing customs long survived to give color and variety to the days of Old Detroit; with them likewise survived institutions

of an older and less charming character. In the old market place on the south side of Jefferson Avenue in the center of Woodward stood the stout oaken whipping post where the knout was vigorously applied until abolished in 1831. Imprisonment for debt, afflicting culprits with ball and chain, and selling the poor into servitude were some of the survivals of those cruder times. Even the gallows and a public execution was exhibited to the populace of Detroit as late as September 30, 1830, when one Simmons was marched to the gibbet to the music of three drums and a fife with an escort of "Oakland County Scouts" whose distinctive uniforms were blue shirts and "stove pipe" hats,—presenting a make-up at which it was said the condemned man smiled as he faced eternity.

But even while the old survived, the new era was close at hand. As early as 1818 the "Walk-in-the-water," the first steamboat on the upper lakes, was plying between Buffalo and Detroit; the current making it necessary that the craft be towed in the vicinity of Black Rock, twenty yoke of sleek oxen being used for the purpose, which were facetiously termed "the horned breeze." Although this pioneer craft was wrecked in 1821, her machinery went into the more staunchly built Superior, which with the Erie, the Daniel Webster and perhaps others, continued for many years the means of easy passage from Buffalo westward. The opening of the Erie Canal in 1825 was the occasion of a rising tide of emigration to the region of the Northwest, which by 1830 had assumed proportions of considerable magnitude. To accomodate this growing volume of travel there was organized in the year last mentioned the Great Western Stage Company. It supplied a line of four horse post

coaches running from Detroit to Chicago, when the Chicago highway was in condition, and astonishing the western world by making the two hundred and eighty-eight miles with passengers and mails in the surprisingly short space of five days.

With the steamboat and stage coach, the refining institutions of the older communities were being transplanted even though it was to take some time for them to obtain a fast hold upon the soil. As early as 1809 Father Gabriel Richard had started a newspaper. It was of short life, and was followed by other journalistic enterprises of a more or less precarious existence; but in 1830 the *Northwestern Journal,* and the *Courier,* at Detroit; the *Oakland County Chronicle* at Pontiac; *The Western Emigrant* at Ann Arbor, and the *Inquirer* at Monroe, were an earnest of the press as a continuing factor in the pioneer communities.

The means of education were as yet exceedingly limited. A few primitive structures designed for school houses graced the pioneer settlements, and in Detroit a twenty-four by fifty foot, two story brick structure stood at the corner of Bates and Congress Streets designed for the "University of Michigania," or "Catholepistemiad," as it was euphemistically, if somewhat pedantically called in the act of incorporation drawn by the eccentric Judge Woodward. Although this structure was built in 1817, it was for many years a place of experiment rather than one of practical results in the cause of education. Private schools were common until the later establishment of the state system of primary schools; but it should not be assumed that the Territory was lacking in men of ability, or that there was wanting

a good degree of culture and refinement. The emigrant from New England and New York brought with him in many instances the best that the schools and colleges of the East could give, the early government of Michigan calling to the service of the State an unusually large number of men of high training and ability. Detroit was in that day exceptionally situated to promote among its people a high degree of culture and refinement. The fort and military establishment called many men of education to the post, and as the territorial capitol it likewise became the home of the executive and judicial officers of the Territory, not only of those then in office, but likewise of those who had come out in previous years and who had remained after the close of official tenure to follow other occupations. The federal and territorial courts at Detroit had drawn to the city a bar of eminent ability, among whose members were Lewis Cass, William Woodbridge, Charles Larned, Elon Farnsworth and others of equal prominence in that and later days; while other professions were represented according to the needs of the community.

As the principal means of communication with the outside world was by the lakes and the river, Detroit was practically in a state of isolation for several months in each year. Even the mails then came through by the slow medium of horse and sleigh, or in severe weather upon the back of the hardy carrier. It was not uncommon even in later years for the city to pass periods of more than two weeks without a New York mail. Such seasons furnished the occasion for the height of social gaiety. The frozen surface of the river was the scene of almost daily contests between the fleet ponies and their

vociferous drivers; balls and merry makings not uncommonly filled the hours of night close to the coming of the morning. The more cultured portion of the community had recourse to literary and kindred societies where each one gave of his talents and from which all derived both profit and entertainment. It was in this capacity that Douglas Houghton was first made known to Michigan, who had been induced by Governor Cass and others to come to Detroit to deliver a course of lectures on the subject of chemistry during the winter of 1829. Poetical, prose and scientific papers were prepared and read, to be occasionally varied with dramatic productions by the Thespian Corps, an organization composed largely of army officers. Men of such finished scholarship as Major Thomas Rowland, Mr. Charles C. Trowbridge, Major John Biddle, General Lewis Cass, Major Henry Whiting and Mr. Henry R. Schoolcraft, were willing contributors to the Lyceum and Historical Society; the four last named gentlemen delivered a series of essays subsequently gathered into the volume entitled *Historical and Scientific Sketches of Michigan*, now so highly prized for its historical and literary excellence.

Although the relation between Kentucky and Michigan was much closer than it is today, because of the many citizens of Kentucky who had participated in the Michigan campaigns of the War of 1812 of whom some had found homes in the Territory, yet the transition from Lexington to Detroit was quite as marked as they had been in countries foreign to each other. John T. Mason and his family were soon a welcome addition to the official and social life of the community. The first few days following their arrival were passed as the guests of

Colonel Stephen Mack and his good wife of the Mansion House. A little later they were comfortably located in a commodious house on Congress Street in the rear of which is now (1912) the Detroit Savings Bank.

The aged grandmother was still a member of the home, the evening of her life reflecting the charms of tranquil joys. Granny Peg, now decrepit and no longer able to perform her old time services, was likewise a part of the household, where her fidelity was remembered although her usefulness was passed; and well she merited it, for she had given to both the mother and the Mason children long years of watchful care exceeding that which she had given to her own offspring, but Granny Peg with all her virtues was not without her failings, and one of the most grevious was her love for the dram. The family would gladly have shut off the source of temptation and supply, but the young idlers about Detroit taverns soon became acquainted with the mirth provoking loquacity and volubility of the old Negress when her tongue was properly loosened by liquor, and so it sometimes happened that Granny Peg would return with much more than the day's marketing for which perchance she had been sent. Such incidents were always followed by reprimand and apparent repentance accompanied by the most solemn promise that it would never occur again; but to the end of her life Granny was occasionally obliged to seek new forgiveness and renew her promise.

The family were not long in fitting into the ways of their new associations. Thomson continued his studies with the father, working with him in the discharge of his official duties as Territorial Secretary, and occasionally performing the duties of private secretary to the Gov-

GEN. JOHN THOMSON MASON

Of Raspberry Plain, Va. 1787-1850, father of Governor Mason, Secretary and Acting Governor Michigan Territory, 1830-1831.

EMILY VIRGINIA MASON
Sister of Stevens Thomson Mason.

ASHLAND, THE HOME OF HENRY CLAY, NEAR LEXINGTON, KY.
The Mason family lived here for a time while Clay was in Washington.

ernor, Lewis Cass. During the fall and winter of 1830 the Governor was called from the Territory and at such times the father became the Acting Governor, as a result of which the son gained a considerable familiarity with the routine of the office filled by the father. It has already been said that the winter months of these years in Detroit were times of unrestrained gaiety and social pleasure; it would have been more than strange if such features had not had some attraction to the handsome, spirited son of the Secretary. If not a leader in social conviviality, he at least joined willingly in those youthful gatherings where exuberance of spirit was sometimes exhibited. He found passing pleasure in the balls and other functions of a social nature, and may at times have joined with boon companions in more boisterous gaieties at the tavern or other places of meeting; but such incidents were far from indicative of his general character, which had in it even in youth much serious purpose and future promise. So that while he had the love of a circle of vivacious companions he did not forfeit the good will and kindly interest of by much the larger portion of his elders. The two older sisters were soon attending the school of some Belgian sisters, and some two years later took lessons in French and special subjects from Father Kundig, a Swiss, and Father Bowdoel, an elegant Frenchman.

More than seventy-five years later the elder sister, Emily, set down in a style of youthful exuberance her reminiscences of the later school day experience, which we are safe in assuming is a typical portrayal of the satisfying pleasures which the society of that day afforded. "What charming recollections of those days

of simple pleasures crowd upon me," she wrote. "Good Father Kundig made for us a theater in the basement of the Cathedral where we acted Hannah Moore's and Miss Edgeworth's pieces to admiring audiences of parents and friends. My sister Kate as Mrs. Battle in 'Old Poz' and Josie Desnoyer as 'William' in hat and cravat of her father, a world too wide, and his brass buttoned coat, the tails of which reached to the floor, produced peals of laughter. My youngest sister Laura with gilt paper crown and scepter and long white gown was Canute the Great, bidding the waters retreat. Seized with stage fright after the first scene she refused to return to the 'boards', when Father Kundig gravely announced the 'indisposition on the part of King Canute' and prayed the audience to excuse his further appearance. Between acts he played the piano, was candle snuffer, proprietor, scene shifter, everything, with unfailing interest and good humor."

Of both the pleasures and refinements which the community offered, the family took its share; but so far as young Thomson was concerned there was a third source from which he may have drawn the inspiration of later years, a source that reflected a state of public mind which it is quite necessary to understand if we would comprehend the history of the time and his connection therewith; and that is, the thought of the people as expressed through the legislative body of the Territory, the Territorial Council. The meeting of the Council, although it was composed of but thirteen members, was a matter of quite as much importance to the people interested as might be the meeting of a numerous legislative body of a pretentious commonwealth. The messages of Gov-

ernor Cass to this small body were prepared with quite as much care and covered quite as important topics as do the like documents of the present day. The second session of the fourth Council convened at Detroit, January 5, 1831, and did not conclude its labors until March 4 following. The Governor's message dwelt at considerable length upon the attempts of Indiana and Ohio to push their boundaries northward onto the rightful Territory of Michigan, thus early bringing to the attention of young Mason the question which four years later was to become the occasion of his greatest popularity.

The enactments of the Council, although in the main sensible and proper, nevertheless contain some matters that disclose the inability of the legislator of that day to forecast the great developments of the future. Among such matters may be mentioned a memorial addressed to Congress asking for the grant of four townships of land from the National Government with which to aid the establishment of a silk industry within the Territory. The memorial recited as the reason for the desire to establish such an industry, that "the Peninsula on account of its locality requires that its inhabitants should be engaged in some branch of industry the products of which will warrant an inland transportation to a very distant market, so distant from this Territory are the great marts of commerce that the common productions of the agriculturist poorly pay for the labor which they cost after deducting the cost of transportation." Little could they then conceive that before the close of the lives of many of the men who gave their votes to the memorial, the products of farms thousands of miles still further westward would be passing in an almost unending pro-

cession to the eastern markets, and that in that mysterious West there would soon be "marts of commerce" surpassing in population and industry anything that the East to that time had known.

With great railway systems crossing the southern limits of our State bringing New York and Chicago almost as close together as the limits of a day's stage-coach journey in the olden times, we are apt to smile in derision at the men who in 1837 sought to construct a system of canals connecting the waters of Lakes Michigan and Huron. Sometimes writers with a wrong perspective have pointed to the effort as proof of the limited abilities of the men who then directed the affairs of State. But in 1831 when Lewis Cass was Governor and the names of Henry Schoolcraft and Elon Farnsworth appear among the members of the Council, a memorial was adopted addressed to the Congress of the United States asking for a topographical survey of the country lying between the waters of the "Sogona" (Saginaw) and Grand River of the Michigan peninsula preparatory to the construction of a canal joining these waters. The memorial recited that "Nature appears to have pointed out this connection by the deep indentation of Sogona and its recipient, Sogona River; and by the copious waters of Grand River which take their rise in the secondary table lands of that country," following with a statement of the feasibility of the canal's construction, and closing with the statement that "whoever examines the peninsula of land drawn upon the maps, with Lake Michigan upon the west and the arable farming and mining country extending from Green Bay to the Mississippi, must be led to perceive that whenever that area of country settles and

fills up, as it is now in process of doing, its products must seek a market through the Lakes, and how this market can be attained without passing through the Straits of Michilimackinac closed with ice six months in the year will assume a character of deeper interest." The records indicate that when a few years later the people formed a Constitution and sought to inaugurate a system of internal improvements, the idea was not the caprice of the day, but was in response to a public opinion that had been years in forming and which had been championed by many, if not most, of the leading men of the Territory.

During the year 1830 John T. Mason began the perfecting of arrangements that were to take him to Mexico and that were to absorb his energies for the remainder of his life. He had inherited from his father certain land claims which had accrued to the father as a Colonel in the Revolutionary War. With failing fortune John T. Mason sought to convert these claims into a more tangible asset. Texas was now known to be a country rich in possibilities. Colonists from the southern States had flocked across the border in large numbers and companies were being formed to acquire lands and take out colonists under contract. General Mason succeeded in exchanging his Revolutionary land claims for an interest in such a company and soon became associated with others in the ownership of a vast tract of land upon the Red River. The prosecution of this venture soon made it necessary that he surrender his official position and reside for considerable lengths of time in Mexico and at other places far distant from his family.

There has always been a belief among those associated with General Mason that his mission to Mexico and Texas

was of more than a personal character. It is known that at this time President Jackson was anxious for the acquisition of Texas and was making use of both open offer and secret diplomacy so secure that end. It is quite probable that the President was at least willing to render such assistance as might result from continuing the son in the office of the father while the latter became a factor in the Texas situation. The support of the family at Detroit was certainly a matter of much importance to the father whose mission whether personal or confidential was to take him to a far distant land.

It was such practical considerations coupled with a worthy ambition that prompted the son to aspire to the office about to be vacated by the father. It is impossible to say when the subject was first canvassed between father and son, or to tell who of the many partisans of the President in Detroit were consulted as to the contemplated change in the secretaryship of the Territory. No notice of the pending matter reached the public, although it must have been known to certain individuals for a considerable time. Governor Cass was called to the President's Cabinet in July, 1831, and long previous to his appointment he had visited the President; it is not too much to presume that the whole subject of Michigan politics was then thoroughly canvassed; it was significant that soon after his return John T. Mason and his son Stevens T. repaired to Washington to lay the matter before the President and his advisors. There was little need of the father calling to the assistance of the son the powerful political support that through relationship and association was at his command. Either the claim of friendship started twelve years before, or

the anticipated services of the father in other fields, or the spirited but frank engaging manner of the young man, quite readily won the favor of the President, who on the 12th day of July signed his commission as Secretary of Michigan Territory. When young Mason took his departure the President gave him many assurances of his kindly interest and requested him to apprise him frequently of the trend of events in the distant region where he was to exercise his official duties. He arrived in Detroit on the 24th and on the day following was sworn into office, his superior, Lewis Cass, administering the oath of office.

CHAPTER IV

Secretary Mason

IT is quite impossible at this day accurately to portray the ungracious feeling which in 1831 had become a marked characteristic of the political life of Detroit and to a less extent of the other communities of the Territory. The average citizen of the time rendered a loose allegiance to the principles either of the Democratic-Republican or of the Whig party; but the most strongly marked division was between the personal followers of Henry Clay and Andrew Jackson. Then, as has always been the case, the division on the personality of the leader was a source of more bitter controversy than would have arisen from serious political issues. Quarrels of a personal and semi-political nature became distressingly common, and there were few men in public positions so fortunate as to wholly escape being drawn into one or another of the factions thus created. The condition was rendered even more anomalous by the birth and growth of the Anti-Masonic party, which during its short existence exerted a considerable influence in the political affairs of the Territory, being exerted generally against the men and measures of the Democratic-Republican, or Jackson party.

If Stevens T. Mason had had to his credit long years of practical experience and residence in the Territory, his appointment to so responsible and honorable a position as Territorial Secretary would not have passed under the conditions that then existed without more or

less opposition directed against himself as an individual or as the representative of someone in superior authority. When, with such conditions existing young Mason embodied both youthful inexperience and subordination to a hated political superior, it was not surprising that his appointment should have been the occasion of more than ordinary protest and opposition.

The news of Mason's appointment to the secretaryship preceded his arrival at Detroit by a day. It was not long in circulating to every home in the little city and was soon the topic of general comment. The word for a public meeting was at once passed, and when it assembled in the evening, Colonel David C. McKinstry was chosen to preside over its deliberations. At the meeting, little more was done than to appoint Colonel McKinstry, Andrew Mack, Shubael Conant, Oliver Newberry and John E. Schwarz as a commitee to wait upon the young Secretary and authoritatively learn the facts as to his minority and such other disqualifications as might form the basis of a remonstrance to be adopted by the assembly on the following Monday evening, to which time the meeting was adjourned. The committee was courteously received by young Mason, who frankly admitted his minority, but informed them that none of the information which they sought had been kept from the President, who had appointed him with a full knowledge of it all. The committee reported at the adjourned meeting, when a second committee consisting of Eurotas P. Hastings, Henry S. Cole, David C. McKinstry, Oliver Newberry and Alexander D. Fraser was appointed to prepare resolutions indicative of the sense of the meeting, and a memorial to the President to be signed by the meeting and circu-

lated in the Territory asking the Secretary's removal. The meetings were the occasion of considerable excitement, and there is no doubt that many citizens acted from a belief that their rights and interests had been jeopardized by what they considered the unwise action of the President; but there is evidence that political motives were not entirely wanting. There was evident desire that the meetings should have the appearance of being non-partisan in character, and to that end a friend of the administration, Colonel David C. McKinstry, was honored as chairman of the meeting and a majority of Jackson men were placed upon the committee to interview young Mason; but upon the committee which should draw the resolutions and memorial, and which was to be the medium of its circulation, the Clay men were in control.

"The remonstrance," as the resolutions and memorial were generally termed, set forth the fact of the minority of the appointee, his lack of the freehold qualification required by the statute creating the office, and concluded by declaring that the signers viewed the appointment as "a violation of the principles of our fundamental law and of the genius and spirit of the Constitution; and in the highest degree derogatory to the freemen over whom he is thus attempted to be placed;" concluding with the declaration that "we hold it to be our duty to take prompt measures with a view to his removal from office." At the meeting and by subsequent circulation the paper received one hundred and sixty-two signatures, Shubael Conant heading the list in which appeared the names of many men prominent in the business affairs of the com-

munity, but containing few if any names of the men then connected with the professional or official life of the city or Territory. The proceedings of the Detroit meeting were sought to be copied at Pontiac and one or two other places, but the attempts met with small response. The press of the Territory, especially that portion which had Whig or Anti-Masonic leanings, was unsparing in its criticism of both the Secretary and the President, while the incident was the occasion for much comment by the leading journals of the country generally; few defended the propriety of the appointment, although some, like the Washington *Globe*, the official organ of the administration, contended that as the appointment had been made, the appointee should not be removed except for actual misconduct.

While the opposition were thus engaged, it must not be assumed that young Mason was idle. Knowing that the action of the Detroit meeting would be at once forwarded to Washington, he on the day following the meeting prepared and mailed to the President the following letter, which in its diplomatic handling of the subject marks him as no ordinary youth:

"Detroit, July 26, 1831.

"General Andrew Jackson
"President of the United States
"Washington, D. C.

"Dear Sir:

"The announcement of my appointment as Secretary of the Territory preceded me by one day, and I found on my arrival that certain persons had gotten up an

excitement which will result in a remonstrance against my continuance, by a meeting held in this place. The motives which originated this course are obvious here. The agitation of the recent election had not subsided and the confidence given to the Clay and Anti-Masonic parties by their success, the first in getting a delegate to Congress of their choice and the latter by obtaining a majority in the Legislative Council, has emboldened them to assail anything coming from the administration. Some men calling themselves friends of the administration, from jealousy at my promotion or from other pretexts, which restless spirits have always at command, have had the weakness to unite in the censure of an act which they themselves would have recommended had they been flattered by a previous consultation.

"In this state of things, I have been beset with a sort of inquisitorial scrutiny, and finding nothing to rest upon but the fact of my minority, I have been asked to relinquish my office. To this I replied that having received my appointment from you, no power but that of the constituted authority of the country should drive me from my place; nor would I yield it except to your wishes; that no concealment was practiced toward you and that what your judgment approved I should maintain calmly, but firmly; that I should consider it even a disparagement of yourself to be persuaded to undo what you had done; and that you could not approve any act done under intimidation, were I capable of submitting to it.

"In this representation I give to the excitement a force and character which it may not merit, for in truth it is local and partial in its localities, confined to men who

delight in noise and strife, and who have sinister objects in view. That it is temporary, the history of similar ones in this place on occasions equally unworthy, gives a perfect assurance. For myself I apprehend nothing from it, nor can it affect any permanent interests here or elsewhere. That it is designed to strike higher than one so unimportant as myself, is clear. The bare circumstance of my being allied to one close in your confidence, is an incentive to the factions who are in the opposition. That their objection to me cannot reach you is certain, for that objection rests upon a fact that forms no disqualification, and is merely a computation of months and days as to my age.

"It has happened unfortunately for me that I enter upon my office when the public mind is in an unusual state of agitation. The recent warm contests in the elections, the retiring of the present Governor, doubts and anxieties about his successor; and the duties of Governor devolving on me so immediately, my opponents have made their objections as if I was in fact appointed Governor, or would continue to discharge the duties for years. This difficulty I trust will soon be removed by the appointment of a Governor, nor should I have apprehended the slightest objection to my appointment had the present Governor continued or his successor been here to assume the government.

"I write you this as due to the confidence you have reposed in me; and especially due to the expression of a wish (equal to a command with me) to hear from me frequently. I desire not to convey the idea that I am in trouble or difficulty. I see my way clear and feel a confi-

dence in maintaining myself against all opposition, if sustained by you, of which I feel a perfect assurance.

"With sentiments of high estimation and filial regard, I have the honor to be

"Your obt. servant

"S. T. MASON

"P. S. I should be pleased to learn that you had received this."

In the succeeding issue of the *Free Press*, young Mason published a statement under the title "To the Public," which was at once both so temperate and free from arrogance that it went far towards turning feelings of opposition to kindly sympathy. In simple language he recounted his father's emigration to the Territory, the duties that were now to take him on a "long and hazardous journey in a precarious climate" leaving to him, his only son and oldest child, the care of a numerous family "to whose comfort," he said "it was well known that even the petty emoluments of this office were essential."

His own demerits were frankly admitted in the statement, "That there are many in the Territory of higher qualifications, on whom the appointment might have been conferred, is broadly and fully conceded." In answer to the claim that his office at times required its occupant to discharge the duties of Governor, he appealed to the generous impulses of his constituents by saying, "But suppose those high duties to occur for a momentary space? Is there any difficulty of getting the advice of wiser and abler men? The oldest ask advice; and no man in that respect is independent of the society in which

he lives. The difference is, youth yields to advice: but age, seldom or never."

The appealing character of the communication was so strong that some of the papers most active in his opposition paid it the compliment of having emanated from an older and wiser head than the Secretary's, an insinuation that the many communications from Governor Mason's hand in later years show to have been false. The *Journal* conveyed its intimation by saying that another than the Secretary "may at least have given to the production some finishing touches," while the *Advertiser* said that if the Secretary were willing to call to his assistance the advice and counsel of older and wiser men, "why not their pens also?" But the people generally were inclined to accept the reasoning of the appeal, and with the generosity of a new country to "give the boy a chance." In a few localities, as at Green Bay, where Mason's friend, James D. Doty, was the controlling spirit, at Auburn, Oakland County, and one or two other places, the people gathered and passed resolutions in his favor, which gives color at least to the claim that at most there was but a division of sentiment. The great body of the people, busy with their own affairs, soon forgot their antagonism, and the subject was only kept alive by occasional notices in the papers.

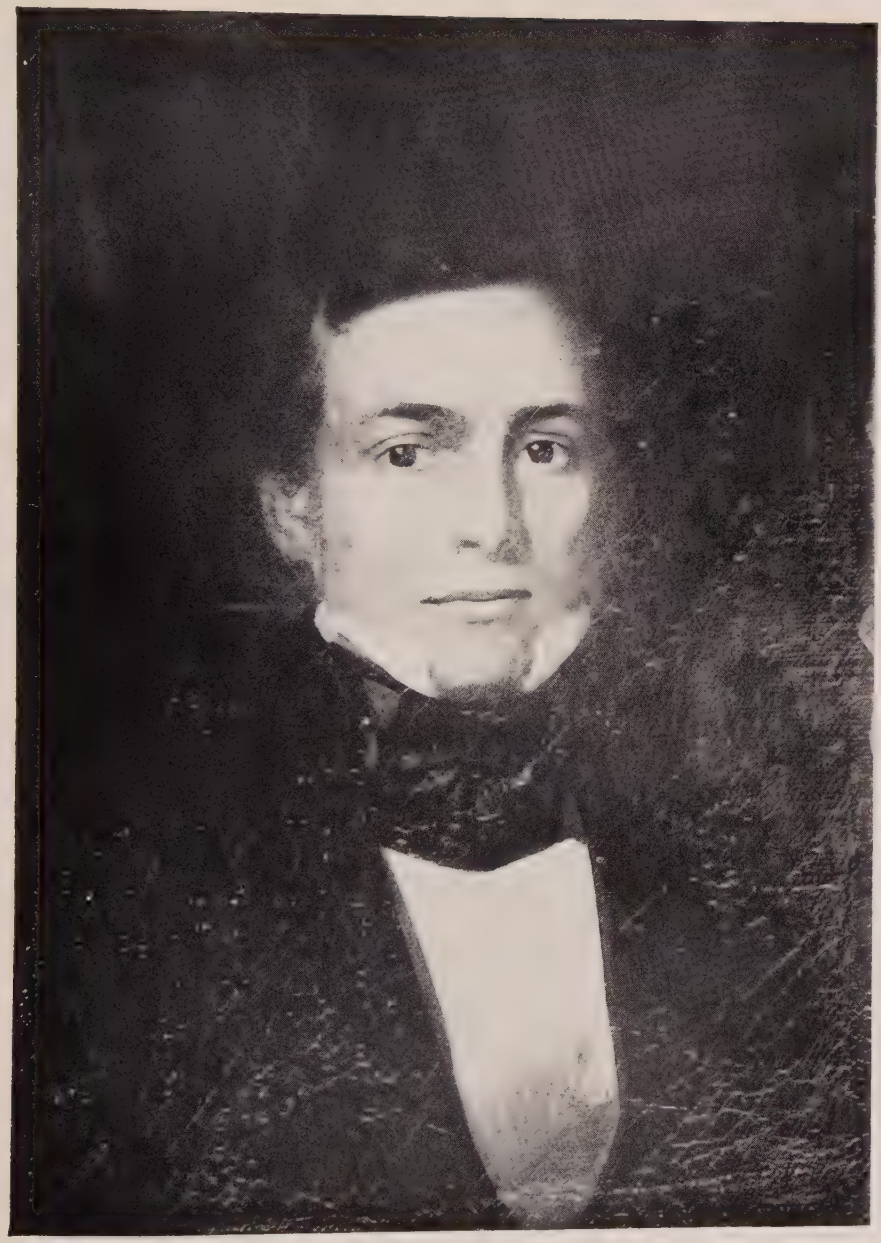
But Mason knowing that his appointment would come before the United States Senate for confirmation the following year, was continuously alert to strengthen his cause both with the people of the Territory, the President, who had given him the appointment, and the Senate, which must confirm it. He secured a copy of the names appended to the remonstrance against him, and

after each name wrote the business and political affiliation of the particular individual. It was thus made to appear that so far as known, with some ten or fifteen exceptions, the memorialists were the partisans of Henry Clay, or members of the Anti-Masonic party. This document, with an explanatory letter, he forwarded to the President, while to each member of the Senate upon whose support he had reason to believe he could count, he sent a modest letter, after having first submitted its contents to the approval of his uncle, William T. Barry, and to the old family friend Richard M. Johnson; the father before this time having taken his departure for Mexico, where he continued for a year.

If the practical details were looked after, so likewise was no opportunity lost by the young man to demonstrate to the people of the Territory that he possessed capacity for his position. On the 6th of August, George B. Porter was appointed Governor and was soon at Detroit to discharge the duties of his office. Governor Porter was a native of Lancaster, Pennsylvania, where he was a leading lawyer and one of an eminent family; his father, General Andrew Porter, had served on the staff of General Washington during the Revolution, while a brother, David R. Porter, was Governor of his State. Governor George B. Porter was twenty years the senior of the young Secretary, having been born February 6, 1791; his arrival did much to relieve the Secretary of an embarrassing position; but on the 13th day of October business recalled him to Lancaster, and from that date until the 11th of the following June, Mason, as Acting Governor, was the executive head of the Territory. The absence of the Governor in a measure revived newspaper

MASON HOME, LEXINGTON, KY., 1817 TO 1820

Claimed to be the first brick house west of the Alleghenies. Said to have been built by Col. Levi Todd in 1780. Situated 3½ miles east of Lexington, being on the estate next to the home of Henry Clay.



GOV. STEVENS T. MASON
From painting owned by Mrs. Samuel Carson, Detroit.

LEWIS CASS
Governor of Michigan Territory 1813-1831. Appointed Secretary of War by President Jackson 1831.

comments, but they were of a character which indicated waning sentiment. The Detroit *Journal* in December called attention to the matter editorially under the heading, "What has become of the Remonstrance?"; while in February following, it voiced a bit of sarcastic humor by saying, "Our Territory is left in rather a novel predicament just now. We have one Judge and one 'Acting Governor' who if he lives until next October and no accidents befall him will be twenty-one years of age."

The *Western Emigrant* of Ann Arbor which had become the most pronounced advocate of the Anti-Masonic party in Michigan, was likewise a paper that made frequent use of its columns in derogatory comments on "the stripling," as it habitually referred to the young Secretary. On one occasion as Mr. George Corselius, the editor, was passing upon Jefferson Avenue, he was accosted by young Mason who, either to give a practical demonstration that he was "no stripling" or as he later claimed, to resent a remark from Corselius questioning the character of his father, proceeded to administer to the newspaper man a most vigorous cuffing. For this assault Corselius procured the Secretary's presentment by the grand jury, although there seems to be no record that the case made further progress. The affair seems to have occasioned but little more than passing comment and was soon forgotten by everyone save the ruffled editor, and even he might have done so had not the Ann Arbor *Argus,* an opposing paper, at intervals called his attention to the time when young Mason "warmed his ears."

It was impossible that Mason should have escaped the many quarrels with which the community was rife. The very fact that he was opposed by some brought him the

support of others; and that some were his friends was sufficient reason for others being his enemies. Yet his own conduct was quite unoffending. Generally passive, he yet on occasions retorted in kind. A few articles from his pen signed "Aristides" published in the Detroit *Courier* during the winter of 1831-2, written in that caustic personal vein which characterized articles appearing all too frequently in the papers of Detroit at this time, were the cause of much speculation as to their authorship, and many an angry expostulation from the individuals who were singled out for a blistering sting; for while the characters were given more or less fanciful names, they were sufficiently descriptive to leave little doubt in the public mind as to the identity of the individual. In the case of Augustus S. Porter, subsequently for a short time Whig Senator from Michigan, his designation as the "Knight of Black Rock" was seemingly specific enough to warrant the gentleman in seeking a personal encounter with the editor of the *Courier*.

With the younger members of the community "Tom" Mason, as he came to be familiarly known, was a companion of growing popularity. His warm, generous nature made him many friends, and their number constantly increased as those of more mature years discovered in him real abilities coupled with the polish of a gentleman and the geniality of youth. If Mason had any traces of autocracy in his composition, they never showed in his manner, which was ever wholly democratic and sympathetic, winning to him, first of all, those whose fate it was to labor in the harder ways of life.

Early in February, as there were changes impending on the bench, Judges Woodbridge, Sibley and Chipman

were tendered a dinner from the bar at the Mansion House. The wit and eloquence of the Territory was seated at the board. Such banquets in the old days were not the perfunctory affairs of the present, when a multitude of events claim interest and attention. In the thirties they were the subject of extensive space in the pioneer newspapers and the theme of conversation both before they arrived and after they had passed away. At the banquet in question, among the score of toasts and addresses which followed, by such men as Witherell, Sibley, Farnsworth, Whiting, Whipple, Rowland and Sawyer, few commanded more critical attention than did the address of the Secretary and Acting Governor, who responded to the toast, "Party Spirit." It was his first public appearance where he was to voice his own sentiments with many of his opposers seated about him. So well did he acquit himself that even the press that had opposed him was free to admit that his address was both "interesting and well received." But the greatest interest in the bar dinner followed a few days later when one Ebenezer Reed, who had formerly been associated with John P. Sheldon in the publication of the Old Detroit *Gazette,* sent a vitriolic communication to the *Free Press* on both bench and bar. Reed's production, which was signed "Consistency," was not wholly dispassionate, for Charles Larned, a leading member of the bar had once instituted a suit in libel against the editors of the *Gazette,* while Judge Woodbridge had incurred their enmity by committing Sheldon to jail for the publication of derogatory reflections on the judge's actions. At the banquet a member of the bar had spoken in complimentary terms of the retiring members of the bench, while Judge Wood-

bridge had spoken with some show of feeling at being forced from his judicial position, which he termed "a contemptuous ejection." The opportunity which the situation afforded was used by Reed without stint. In a long article filled with trenchant thrusts, among other things he said, "Can it be possible that all this honeyed adulation on the part of the lawyers was sincere? Did the reformed judges really look serious when they performed their parts in this pompous melodrama? Can we believe the toasters sincere and earnest in their flattery, or the toastees so dull as not to perceive the ridiculous light in which the public must have viewed it? Mr. Woodbridge in his speech said he hoped to find something in his past official life that would make him a wiser and a better man. Had he been a wise man and consequently a better one, he either never would have been a judge on the bench or he would still have been there, secure in the respect and affections of the people and reaping the reward of that genuine goodness and honesty of purpose which is true wisdom. But he has chosen to depend upon the semblance of virtue instead of its substance and his fate is like that of all others who have based the fabric of their reputations upon mere shadow."

This article was followed by others and from them it was made to appear that certain anonymous communications of former years wherein the same judges had been flayed for their official actions were from the pens of some of the attorneys who, now that the judges were retiring from the bench, were loud in their praise. The articles were highly sensational and in the interest and excitement which they occasioned, the Acting Governor enjoyed a valued respite from public discussion.

With the coming of St. Patrick's Day a splendid gathering assembled at the Mansion House to do honor to the patron saint of Erin. It was a large and enthusiastic assemblage and everyone who felt the claim of Irish blood left the banquet with a growing friendship for the young Secretary, who as the executive head of the Territory honored their festivity with his presence and in modest eloquence paid a tribute to their patriots and their storied isle. But such events were hardly of frequent occurrence; the protracted absence of the Governor imposed many official cares of more than an incidental nature upon the Secretary and in addition he had already begun serious study with the hope that some future day might see him a member of the legal profession,—a profession that had been adorned by so many of his ancestors. Official duties received his careful thought and attention, while nights were occupied in the father's library where unaided and alone he diligently studied the principles of law. If at times he indulged in social pleasures and other relaxations incident to youthful years, they were events that marked the exception rather than his general course of conduct. As all offices connected with the administration of judicial proceeding were filled by executive appointment, it sometimes happened that the factional quarrel from a neighboring county was transferred to the Governor. Such was the result of the appointment of one Canfield over a Mr. Douglass as sheriff of the County of Macomb. This appointment brought forth an attack upon Mason by "Citizens of Macomb" too scurrilous to find publication in the newspapers to which it was offered and so was printed and scattered about the streets as a hand bill.

Explanations, attacks and recriminations followed, from which some thought with ill success to revive the waning opposition to the Secretary; for Providence held in the immediate future more than sufficient to turn the thoughts and attentions of the people from the trivial affairs of county politics.

Interest was soon centered in the meeting of the fifth Legislative Council which was to assemble for its first session at Detroit on the first day of May. The meetings of the Council were ever the occasion of more than ordinary interest, and this session was looked forward to with special interest because of the unusual political conditions by which the people of the Territory were confronted.

Upon the convening of the Council, Governor Porter was still absent from the Territory, and it became the duty of the Secretary as Acting Governor to transmit his message to that body. It was a document well calculated to inspire confidence in its author and allay the reasonable fears of such as had opposed him from the honest conviction that his youth was an insurmountable obstacle to the discharge of the higher duties incident to his official station. With tactful modesty he prefaced his communication by saying, "The temporary absence of the Governor of the Territory, having devolved upon me the duties of the Executive Department of the Government, I have with the diffidence of conscious inexperience and inability, endeavored to discharge in a satisfactory manner such of those duties as required indispensable action. These have been few; and if their execution has not been attended with any distinguished benefit to the public interest, I may flatter myself with the hope that

no great injury has resulted from it. The virtue and intelligence of the people have happily supplied all defects and rendered it unnecessary for the Executive to attempt to discharge much more than the formal routine of ordinary official business."

There may have been diplomacy as well as conviction in the language employed whereby he paid a compliment to the Council: "Under our limited form of Territorial Government," said he, "one of the greatest blessings we enjoy is the possession of a Legislative body, elected by the people and responsible to them alone, for the faithful performance of the important trusts committed to their care; and our fellow citizens must derive confidence and satisfaction from the reflection, that without your concurrence no measure seriously or extensively affecting their interests can be adopted or changed. To you then, gentlemen, coming from the different counties of the Territory, and thoroughly acquainted with the wants and wishes of your constituents, is committed the important task of legislating for their benefit, of enacting new laws to promote their welfare and of applying the appropriate and adequate remedy to existing defects."

The recommendations of the message were timely and conservative, relating in the main to the correction of defects in the judicial system, the taking of a census preparatory to an application for admission as a State in the Union, and to the question of the encouragement and support of common schools. As the school system of Michigan was destined to become one of the chief institutions of State pride, and the debt for its founding to continue forever among the claims of the Boy Governor upon the gratitude of its people, it may be well to remem-

ber that in his first message, written before he had attained the rights of the elective franchise, he took occasion to say, "To no object therefore can the public funds raised by taxation or otherwise, be more judiciously or advantageously applied than to the establishment and support of common free schools, with a view to the extension of the blessings of education to all classes of the community."

CHAPTER V

A Year of Stirring Events

WITH the advancing days of May events were in progress that were destined to make the year 1832 a memorable one in the history both of the Territory of Michigan and of its metropolis. The first was the uprising of a band of Sac Indians in the vicinity of Rock River in northern Illinois, under the leadership of a renowned warrior of the tribe known by the name of Ma-ka-tai-she-kia-kiak, or Black Hawk, the name of the leader giving to the uprising the name of the Black Hawk war. Few border forays in the history of the country embodied more of national interest, for by some strange cast of fate, in the forces brought against the doughty warrior were Zachariah Taylor and Abraham Lincoln, both of whom were to become President of the United States; Jefferson Davis, to be later President of the Confederacy, and Robert Anderson under whose order the first cannon was to be fired in the war between the states; while the list of Governors, Senators and Congressmen who participated is sufficiently long to be a wearisome recital.

Black Hawk was at this time in the sixty-fifth year of his age. Although not a chief, he was a warrior of more than ordinary influence among his people. He had served with the British in the war of 1812, was at Malden and at the battle of the Raisin, and with the great Tecumseh at the disastrous battle of the Thames. His hand had been reddened in many a murderous attack not only

upon the white settler of the western border, but upon the neighboring tribes of his own race as well.

In keeping with treaty stipulations the Sacs and Foxes had removed to the western bank of the Mississippi; but Black Hawk soon tired of inactivity, and against the councils of his chiefs gathered a body of several hundred malcontents about him and crossed to the vicinity of Rock River to harass the whites and provoke a border war; they soon left a trail of rapine and murder in their wake. The settlers fled to their stockade forts and barricaded houses for defence. The first troops dispatched to the scenes of disorder, underestimating the task before them, were defeated and driven back in dismay. Intense excitement followed and the news spread like wildfire before a gale. Colonel Henry Dodge of the Wisconsin portion of Michigan Territory, with a force of volunteers organized to protect the frontier, hurried to the vicinity of the lead mines to protect the settlements in that country and hold in check the Winnebagoes who were the natural allies of the Sacs and Foxes as were likewise the Potawatomis of southwestern Michigan proper, and who might both be swept from their positions of neutrality by the success of Black Hawk and his band. On May 15, Governor John Reynolds of Illinois issued a call for troops stating therein that it was his opinion that the Winnebagoes and Potawatomis had joined the Sacs, a statement which if true meant that the entire northwestern frontier would be overrun with marauding bands bent on rapine and murder. Immediately General Hugh Brady of Detroit, Commander of the Department of the Lakes, with Lieutenant Elector Backus of his staff, proceeded overland to join General Henry Atkinson who had moved

up from St. Louis with a force of regulars. On May 18, T. J. V. Owen, Indian agent at Chicago dispatched a special messenger to Detroit confirming the report of depredations in that vicinity and requesting the aid of a "force of some magnitude," giving color to the fear that the Indians might strike the southern border of the peninsula in an attempt to reach Malden. At this time General John R. Williams was the Major General in command of the Territorial militia. General Williams was one of the solid citizens of the Territory, having been born at Detroit in 1782, elected the first Mayor of that city under the charter in 1824, and made a Major General by appointment of the President and confirmation of the Senate in 1829.

As public apprehension seemed to increase with each vague rumor from the border, Acting Governor Mason, as Commander-in-Chief, on May 22 issued an order directing General Williams to raise such a number of volunteers as in his opinion might be necessary to co-operate with a force under Brigadier General Joseph Brown which was to rendezvous at Jonesville. As volunteers did not readily respond to the call, on the day following Acting Governor Mason issued the further order to General Williams to call out such troops of the Territorial militia as he might require, concluding his order by saying, "You cannot but be aware that delay is only calculated to give rise to false and unfounded reports which may possibly have an injurious effect upon the emigration to this Territory. It is expected that you will use every exertion to meet General Brown forthwith and that you will not return to this place until every shadow of danger from hostile Indians on the frontier is removed."

On the 23rd General Williams accordingly issued an order for that portion of the Territorial militia near Detroit, consisting of the first regiment, a battalion of riflemen and the city guards, to assemble at Ten Eyck's, —as Dearborn was then known, it being the site of that much frequented old time tavern of Conrad Ten Eyck, a talented and genial gentleman who had graduated in the same class with Martin Van Buren. Here a force of three hundred men was made up, organized, officered and furnished with arms. By one o'clock on the afternoon of the 25th the force was marching westward on the old Chicago Turnpike. At the same time five companies from the eighth regiment, one each from the towns of Clinton, Adrian, Tecumseh, Blissfield and Palmyra were assembling at Tecumseh to march westward under the command of General Joseph Brown, while a company of forty-two men and officers organized in Kalamazoo county were at about the same time mustered into the service.

After the departure of General Williams and his command, a messenger arrived from Chicago bringing to Acting Governor Mason the intelligence that the dangers upon the Michigan frontier had been much exaggerated, while from another source he was informed that regular troops from the East, passing by way of the Lakes, would soon be upon the scene of disturbance. He therefore issued an order for the recall of the troops, which were overtaken by the messenger at Saline, from which point the infantry turned back, while General Williams accompanied by Colonel Brooks, Major Charles W. Whipple and Major M. Wilson and a troop of horse known as Jackson's dragoons pushed forward.

The receipt of such information as caused the Acting

Governor to recall the militia was at once made the occasion of a public meeting in Detroit, at which the wise ones adopted resolutions deprecating the "groundless apprehensions" by which the people had been excited and asserting that "but one opinion prevails among our best informed citizens, that there exists not the slightest cause of alarm." Conflicting messages to the Acting Governor from Chicago and other points subsequently received were the occasion of not a little confusion in the movements of the militia, and afforded some basis for the written statement of General Williams to the Secretary of War, Lewis Cass, that "The orders of the Acting Governor are contradictory, inconsistent and incompatible with military rules." The Acting Governor likewise disclosed his state of mind in a letter to General Williams on the first of June wherein he observed that, "Should we have to march again from this quarter, the *gentlemen* who fight the battles of the country at public meetings *will have to march,* if it can be effected."

General Williams with his troop of cavalry which was increased by an addition from General Brown's command pushed on to Chicago, where with the exception of an excursion to the Naper settlement they remained until June 22. They were then taken by boat to the mouth of the St. Joseph, from whence they were marched to Niles and honorably discharged, the mounted men being ordered to Detroit under the command of Colonel Brooks.

The people of Chicago and Cook County were deeply grateful to General Williams and the Michigan militia, and on the 18th of June at a large and representative meeting of the citizens of Cook County, resolutions were adopted indicative of their gratitude to their "patriotic

fellow citizens of the Territory of Michigan under the command of Major General Williams."

The war terminated on the 2nd of August at the battle of Bad Axe. Black Hawk and the Prophet escaped to the Dalles of the Wisconsin River where they were subsequently captured, and on the 27th of the month they were delivered to General Joseph M. Street, the Indian agent at Prairie du Chien. Black Hawk was to be sent later down the river to Jefferson barracks under an escort in charge of Lieutenant Jefferson Davis, there to be held as a prisoner of war until a year later when he was given a tour of the principal cities of the country that he might be impressed with the magnitude of the power he had attempted to defy.

If the returning members of the Detroit militia could have looked into the immediate future, they would have been conscious of exhibiting greater courage in returning to their homes than in marching against the foe of the frontier; for a foe more insidious and more to be dreaded than the lurking Indians was about to bring terror to the hearts of the community.

For some years the westward course of Asiatic cholera had been noted. In the fall of 1831 it had appeared in England and with the early days of the following June broke out for the first time upon the American continent at Quebec and Montreal. Inside of sixty days from its first appearance it was destined to spread to Detroit and the pioneer cities of the West, in some instances to mark the course of its fatal progress at the remote settlements of the interior. In Detroit the news of its steady approach was not unheeded. Among the last acts of the Legislative Council, approved June 29th, was one for the

preservation of the public health in the city of Detroit and other places in the Territory of Michigan, whereby it was designed to give to the local authorities power to fight the terrible scourge.

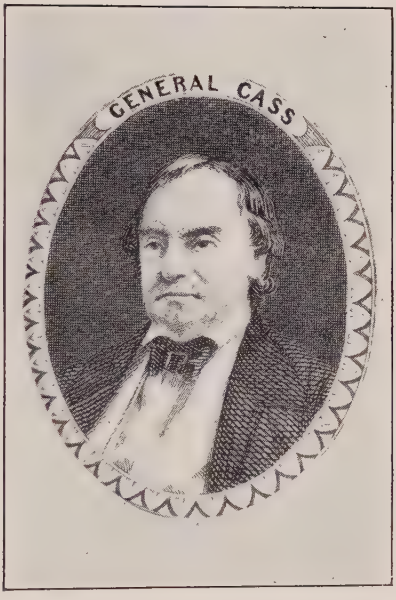
President Jackson, with characteristic impatience at the slow progress being made for the termination of Indian troubles of the western frontier, ordered General Winfield Scott to proceed to the seat of disturbance with nine companies of the eastern troops and put an end to the war. On June 28th Scott and his command took their departure from Fortress Monroe, and without event arrived a few days later at Buffalo where four steam boats, the Sheldon Thompson, Henry Clay, Superior and William Penn were chartered as transports for the expedition. General Scott with the first detachment of two hundred and twenty officers and men led the way in the Sheldon Thompson, Colonel Twiggs following in the Henry Clay, which with the William Penn had commands of three hundred and seventy strong, the last detachment under Colonel Cummings being in the Superior. The voyage across Lake Erie was without incident, the second detachment under Colonel Twiggs arriving at Detroit on the fourth day of July as the people were joyously celebrating the birth of the nation, a celebration that was to be followed by panic and consternation. As the Henry Clay lay moored to the wharf two cases of cholera developed among the troops it carried, one of which proved fatal before the night. The ship surgeon, terror stricken, under the plea of illness repaired to a hotel while two Detroit physicians, Doctors Randall S. Rice and John L. Whiting, with courage surpassing military prowess, went to the succor of the afflicted. Under their directions six-

teen cases showing symptoms of the disease were at once removed from the ship to an improvised hospital in the quartermaster's stores which confronted Woodbridge Street not far east of its junction with Jefferson Avenue. Of the sixteen cases, eleven proved fatal during the night, and in the morning as the citizens of the town beheld the lifeless forms ranged side by side just without the building, they awoke to the full realization of the awful affliction that like a pestilential cloud had settled in their midst.

Under the law which had been recently enacted the board of health had already provided a corps of assistants, three for each of the four wards of the city, among the twelve members being such well known names as Shubael Conant, James Abbott, Peter Desnoyer, Solomon Sibley and John Palmer. The people had likewise gathered and voted authority to the common council to raise by tax such sums as might be required by the exigencies of the situation, and a committee was chosen to accept such contributions as citizens might wish to make for the purpose of the erection of a hospital. The board of health at once ordered the transports to Hog Island (now Belle Isle Park) where they were furnished supplies from the city. The Henry Clay soon proceeded on her way but was compelled to again land when near Fort Gratiot to care for the stricken soldiery. The ship had become almost a floating charnel-house. Captain Walker in a later letter described the conditions among the men upon the Henry Clay in the following graphic language: "The disease became so violent and alarming that nothing like discipline could be observed; everything in the way of subordination ceased. As soon as the steamer

JULIA PHELPS MASON
Wife of Gov. Mason.

LAURA MASON CHILTON
Sister of Gov. Mason.



LEWIS CASS
Governor of Michigan Territory 1813-1831.

came to the dock, each man sprang on shore, hoping to escape from a scene so terrifying and appalling. Some fled to the fields, some to the woods, while others lay down in the streets and under the cover of the river bank, where most of them died unwept and alone." Of the command of three hundred and seventy, but one hundred and fifty remained. The story of their fate will never be written for many died in the depths of the forest, the victims of disease and the wild beasts that infested the region. The detachment under Colonel Cummins after a short encampment at Detroit were embarked upon the William Penn, but had only proceeded a short distance when they were compelled to return and go into camp at Springwells, where after a short time their condition was much improved. Only two of the transports proceeded beyond Fort Gratiot. Of the eight hundred and fifty men who left Buffalo in the early days of July, not more than two hundred were fit for the field when less than two weeks later the wasted remnant was landed at Fort Dearborn.

Before the transports had left the sight of Detroit, the ravages of the disease had spread to the people of the city. On July 6 two cases appeared, one of which resulted fatally. The upper story of the capitol building was at once put into use as a cholera hospital. The streets and alleys of the city were filled with the odor of burning pitch, from which the smoke arose to hang like a pall over the stricken town. Up to the 18th of July there were fifty-eight cases and twenty-eight deaths among the people of the town. The dread specter entered the home of the Masons, claiming the old nurse Granny Peg as its victim, the old soul breathing her last in the

arms of the daughter Emily, whose courage was as strong as her love, and who, when the spark of life had fled from the body of the aged servant, went alone into the night to call the cart to bear away the lifeless form. Many fled panic stricken from the city. The people of neighboring villages caught the infection of terror and sought by every means to keep back the travelers from Detroit. Pontiac placed sentinels in the road to refuse passage to all who sought to pass their way. At Ypsilanti, Colonel Clark called out the militia and posted a guard under Captain Josiah Burton and Lieutenant Chester Perry three miles east of the village with orders to intercept all travel from that direction. On the 10th of July the stage coach from Detroit bearing passengers, mail and dispatches for the West attemped to pass the Ypsilanti quarantine, when one of the leaders of the four-horse team was shot by the guard. At first it was thought the horse was killed, but such did not prove to be; after a time of angry expostulation, in view of the fact that the stage carried the mail it was allowed to proceed. A few days later Secretary Mason, bearing messages to the southwestern border to be delivered at Mottville, was hurriedly passing along the Chicago highway, and wishing to avoid trouble with the quarantine, sought the services of Samuel Pettibone who resided still east of the guard to guide him by a circuitous route to a point beyond the village. The object was nearly accomplished when a stalwart deputy in the person of Eliphalet Turner appeared upon the scene and placing Mason under arrest conducted him before the Sheriff, Dr. Withington, where after a somewhat stormy interview the Secretary was allowed to proceed. This act of official authority on the

part of the Sheriff cost him his office, for he was promptly removed by Governor Porter who had returned to Detroit on the 11th of June. In the meantime the disease had spread to other places. At Marshall it appeared with special virulence. Here out of a community of seventy people, eighteen were severely attacked and eight died, all within a period of eight days; among the deceased was the wife of John D. Pierce, a Congregational missionary, later to be heard from as one of the great names in the early history of the State.

At Detroit the disorder continued unabated. So frequent were the deaths that the custom of ringing the passing bell was discontinued, as its solemn tolling only tended to add to the panic of the people. On July 19th many of the people joined in special prayer and supplication in response to the recommendation of the Detroit Presbytery which had asked that the day be observed "as a day of humiliation and special prayer to God, that He would avert the pestilence from our land, and in the midst of deserving wrath, remember mercy." But amid the panic and despondency, there were many heroic souls. Several young men organized themselves into a nursing band; and the physicians were busy with skill and kindly ministrations. Among such, the name of Dr. Marshall Chapin, who through weary days and weeks without money or other reward, gave his services to the poor, will deserve well from the memory of men. The greatest affliction and mortality was among the poor, the dissipated and the lower classes of the community. As might have been expected, the good priest Father Gabriel Richard was day and night among the scenes of the suffering and death, everywhere ministering to the physical and

spiritual wants of the needy. With the closing days of July the disorder abated, although it continued into September. On the 13th of the month Father Richard was claimed by the Grim Reaper to the grief of all the people. For forty-four years he had been the shepherd of his flock. He had served as the third delegate to Congress from the Territory, and had brought the first printing press to Detroit in 1809. He was a noble soul, his life one of helpful sacrifice. Death came to him not from cholera, but from physical exhaustion incident to his unremitting sacrifice for others. The whole community followed his remains to their last resting place and his memory still lingers amid the scenes of his labors as one of the earth's worthy.

With the excitement of a border war and the terror of pestilence in their midst, the people of Detroit were inclined to pay but little attention to either their own political interests or the political prospects of others, although events affecting both were transpiring. In the latter days of May, John Norvell of Philadelphia arrived to become by appointment of the President, the successor of James Abbott as Postmaster of the city. John Norvell became not only a wise counselor and warm friend of the Boy Governor, but his commanding abilities made him a leading figure in the community and a helpful factor in guiding the destinies of the Territory, and later, of the State. With the return of Governor Porter, likewise came George Morrell of New York and Ross Wilkins of Pennsylvania to supersede Judges Woodbridge and Chipman on the Supreme Bench of the Territory. These men were destined to become prominently identified with the early history of the State, and active agents in the

development of its jurisprudence. It was at this time also that Kintzing Pritchette, a talented young lawyer of Philadelphia, came to Detroit as the Private Secretary of Governor Porter, Providence holding in store for him a close association with many of the stirring scenes of the State's history, and later a life of romance and adventure seldom equalled.

Young Mason was now Territorial Secretary by higher title than recess appointment. The opposition, so strenuous in the beginning, in one short year had quite faded away. The people had discovered that although a youth in years, he nevertheless displayed many of the qualities of maturity. Opposition of a kind was still continued, and even carried to the Senate, but he had a year of satisfactory service to his credit, and this with powerful friends could not be overcome; it was nevertheless joyful tidings when in the latter days of June he received the following letter from Austin E. Wing, the Territorial Delegate:

"Washington City
"June 21, 1832

"Sir:

"I am just informed by one of the Senators that your nomination as Secretary has been confirmed by the Senate.

"Yours &c.

"A. E. WING

"S. T. Mason, Esq."

The commission from the President, forwarded from the office of the Secretary of State, arrived in due time. His official tenure was thereby extended until June 21,

1836, unless sooner terminated by act of the Chief Executive.

The question of statehood had now become a topic of frequent discussion. The Ordinance of 1787 under which the Northwest became subject to government, had provided that whenever any of the States to be carved from that Territory "shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States. Emigrants had been coming into the peninsula in great numbers, and it was believed that by the time a Convention could be called and a Constitution formulated the proposed state would have more than the required sixty thousand population within its borders. There was some opposition to a State government among the people because of the economy of the Territorial government, which entailed an expense of only about ten thousand dollars annually and was paid for from the national treasury; while it was estimated that the State government would cost from two to three times as much and of course would have to be paid by the people of the State. The newspapers and men who led in public thought were quite generally in favor of the State proposition; the Legislative Council shared in the same sentiment, and on the 29th of June it passed an Act submitting to the voters of the Territory the question "whether it be expedient for the people of this Territory to form a State government or not."

At the election on the proposition, which was held on the first Tuesday of the following October, only 3,007 voters registered their preference; 1,817 were in favor of forming a State government and 1,190 were against

it. The counties of Michilimackinac, Chippewa, Iowa and Crawford took no part in the election, and as 4,435 ballots had been cast at the election for delegates to Congress two years before, there were many who did not look upon the vote as decisive; even Governor Porter suggested in his message to the Legislative Council which convened the following January, the propriety of resubmitting the question. The Council, however, treated the vote as decisive, and very early voted a memorial to Congress asking the passage of an Act authorizing the people of Michigan Territory to assemble by their delegates and form a Constitution and State government. This memorial received the votes of all the members of the Council, except Morgan L. Martin, who filed a protest against it because it sought to include Mackinac Island within the limits of the proposed State, to which Mr. Martin as the representative of the country west of Lake Michigan objected.

With the coming of the winter the people rallied in a measure from the terrifying experience of summer and gave their attentions to the numerous demands of daily life.

CHAPTER VI

Advancing Towards Statehood

THE autumn days of 1832 were happy ones in the Mason household. Early in August the father had returned from his absence of a year in Mexico, and with his return the fears and anxieties of many a dismal day were forgotten in the joys of the reunion. From the old letters that passed between the family and their friends and relatives, we catch glimpses of the home life that is always filled with simple charm. The evenings are spent in study or delightful reminiscenses; to be varied on occasions when Colonel Norvell and his beautiful wife, or Major Rowland, or other intimates of the family were present to speed the hours over a glass of wine and with the fragrance of a cigar; and, at times, as participators in the broader social life of the community. The winter of 1833 proceeded with all the old time gaiety of previous seasons; parties, balls and weddings soon engrossed the minds of bells and beaux, and even weaned the minds of the more sedate from the memories of the sad days recently past. The sister Emily, although but now eighteen years of age, was nevertheless a woman in heart and mind, talented and beautiful. She had become the ardent sympathizer with, as well as the trusted confidant of the brother Tom; while he, to use her own language, "was the faithful guardian of all my love secrets and my best adviser." As might be expected, there was a degree of fascination in the social gaiety of the metrop-

olis for the charming sister,—and for the brother as well; although the sister has given us the statement that, "He had little time and never much inclination for affairs of the heart, though so handsome, gay and amiable as to be much admired by the ladies." Had he been less inclined to social pleasures, still his official position, combined with inherent grace and polished manners, would have been the occasion of considerable demands upon his time and attention. These conditions and personal characteristics led some people in his time,—generally those, be it said, who were out of sympathy with his political principles,—to ascribe to him the character of a social votary and one given to an excess of conviviality; some, indeed, going to the extent of charging him with excesses beyond the limits of propriety. These phases of character have suited the purposes of modern romance where it has touched the life of the Boy Governor, and have thus found repetition to his discredit. The falsity of such imputations is sufficiently attested by the high sentiments he so frequently uttered, by his connection with the church and kindred societies, and by the confidence of the people, which he retained through many trials. Three years later than the time of which we write, the *Advertiser,* although not in political accord with the young Governor, yet in a spirit of fairness was constrained to say of the insinuations that have lived until this day, that they were without foundation, and that speaking from intimate knowledge of his official career, during such time he had been "a gentlemen in every sense of the word."

The Legislative Council continued in session until the 23rd day of April; its action resulted in little of special

interest, aside from the steps taken that looked towards the formation of a State government. The early days of spring were days of much political interest, for the time of naming a Territorial delegate and member of the Council was at hand. The factions were still pronounced and active, and long before the conventions there was an air of suppressed excitement in the community which, as is usually the case, was in inverse ratio to the size of the community. Young Mason was not of the temperament to view the contest from the standpoint of nonpartisan interest. Austin E. Wing had been his friend and he was zealous for his renomination as Delegate to the national Congress; he could but ill conceal his chagrin when the opposing faction triumphed in the Convention. He took no active part in the contest, but to the father who in February had been again called to Mexico he wrote without reserve: "The approaching contest for the election of Delegate bids fair to be warm and bitter, but not closely contested. The Democratic-Republican Convention, as they style themselves, which met at Ann Arbor, as was anticipated nominated Lucius Lyon as their candidate and intend making the support of him the test of every man's faith and principles. The presumption of this little faction would almost provoke one if it were not that their assumption of consequence has made them ridiculous. The unfortunate people have set over them a Regency more formidable than the famous Albany Regency itself, and have only to bow their necks and be trampled on by Andrew Mack, David C. McKinstry, John P. Sheldon and Elliott Gray.

"The Ann Arbor Convention has constituted those gentlemen a committee to regulate all appointments whether

coming from the Executive of the United States or of the Territory, and have proclaimed to the world that no man can receive an office in this Territory without first receiving the sanction of this committee and procuring from them an endorsement that he is a true Democrat dyed in the wool.

" 'Tis said that governments are Republican only in proportion as they embody the will of the people and execute it, but if these gentlemen are to be our dictators and their decisions in all cases (as they contend) should be considered the will of the people, deliver me from New York politics. I shall not say aught against them for I firmly believe that the intelligence of the people will always in time be found a panacea for every evil affecting their rights."

He was still in hopes that an independent convention would be called which would nominate Mr. Wing, and that the nomination of an Anti-Masonic candidate would so divide the vote as to insure his election. These anticipations were in a measure realized, but not in a manner to bring about the desired result. Austin E. Wing was nominated by a series of county meetings, while the Anti-Masons nominated William Woodbridge. Mason recognized the strength of this latter nomination, and in a letter to his father on the 16th of April he gives voice to some observations which indicate that he had profited by his short political experience:

"We have three candidates, but only two regularly organized parties. The Anti-Masons have taken up Woodbridge. This is a strong nomination and has injured Wing more than any other nomination which could have been made. Woodbridge does not run as an

Anti-Mason, and the convention did not require it of him; 'he is to represent the people, not the party;' to use his own language, which is pretty much the language of an individual who means to represent any one rather than those who elect him. I am satisfied that parties must exist under our government; and I would be the last to discourage party spirit when properly controlled. It is the surest plan of keeping the people awake to their rights, and when I see a man declaiming against party spirit and professing to be for the people alone, I always begin to suspect him and think that he is for slipping quietly along, serving his own interests and flattering himself that no one can see it."

He closes the subject by saying, "The result of the election is doubtful but am afraid that Wing cannot be elected."

Results showed that the fear was well founded. Austin E. Wing had been elected as a Whig, and later became a supporter of the administration; consequently he had no compact organization behind his candidacy, although but for the nomination of Woodbridge by the Anti-Masons he could have counted on the Whig support; but this he could not take from Woodbridge, who it appears was given the Anti-Masonic nomination without being asked to surrender his Whig principles.

Lucius Lyon, who henceforth became a prominent figure in Territorial and State affairs, had elements of strength that did not depend upon party fealty or regularity. Born in Vermont in 1800, he became a citizen of Detroit in 1822. After one year spent as teacher he took up the vocation of a surveyor, which he followed until 1832. This calling had taken him to every portion of

the vast Territory of Michigan. There was hardly a community either in the peninsula or in that portion of the Territory west of Lake Michigan that did not count among its inhabitants some who had sought the advice of this man as to locations or such other facts as he was able to impart from his vast store of information. During the canvass, Mr. Wing and Mr. Woodbridge confined their efforts to the older portion of the Territory, along the southern border of the peninsula; Mr. Lyon, while he continued in the discharge of numerous duties, found time during such to serve a banquet to the miners at Mineral Point, in the Wisconsin portion of the Territory; when the election was held and the votes counted, to the surprise of many he was elected by a substantial plurality. He had received the whole six hundred votes from the sparsely settled region of the lead mines, and this number insured his election.

The election of Lucius Lyon proved a fortunate event for Michigan, for few men of the Territory possessed so large an acquaintance with its people or such accurate information as to the character and extent of its resources as he; and the time soon came when Michigan was to profit by all of the talent he brought to her service.

With the first days of May young Mason started for the East as the traveling companion of his sister Emily and the sister Catherine, who was three years Emily's junior. Lack of school facilities at Detroit had persuaded the father to send the two daughters to the famous school of Miss Emma Willard at Troy, New York; and it was towards this point that they took their way. The brother evidently believed that education was acquired as well from travel as from the study of books, for he

altered his course so as to include a visit to the cities of Philadelphia and New York, where wonders and surpassing luxury were for a brief season spread before the astonished vision of the young ladies. With the sisters landed safely at Troy, the brother hurried back to Detroit where the duties of the governorship awaited him, as Governor Porter had gone beyond Lake Michigan to superintend some Indian affairs that were to necessitate his absence for the summer.

In a small community, public interest is ofttimes aroused by trivial affairs, and satisfying pleasure found in simple things. Detroit was no exception to this rule. The arrival of the big church bell, its almost ceaseless clangor, the new clergyman, and the prospect of a visit during the summer from Lewis Cass, Mr. Barry, and possibly from the President, were topics of much discussion in the homes of Detroit during the spring days of 1833; but events were in shaping that were destined to rank as of the first magnitude in the interest of the people. One such event transpired on the 16th day of June, and that too with but slight warning of its approach.

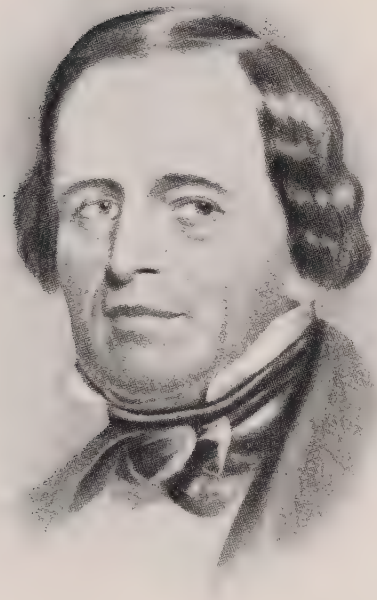
Long before this time, Detroit by reason of its proximity to Canada had become an important terminal of the "underground railway," as the route and means of assistance were called over and by means of which slaves were assisted in their flight from servitude in the states to the southward. There were two hundred and sixty-one negroes in Michigan in 1830, and it is probable that there were not far from four hundred in 1833. A large number of these were fugitive slaves, for while Canada

offered a more secure asylum, Detroit offered the better opportunities for remunerative labor, and it was there that by far the greater portion of the race in Michigan resided. Among them was a stalwart Negro by the name of Thornton Blackburn who with his wife, Rutha, had first appeared in Detroit three years before. As a laborer for Thomas Coquillard he had attracted no more attention than was given generally to the members of his race; people were not a little surprised when they were informed that both he and his wife had been placed under arrest as fugitives from the service of a gentleman of Louisville, Kentucky, and that the master was then in the city to claim his property. A hasty trial was had before Judge Chipman, in which Blackburn and the wife made little defense and were summarily committed to the county jail to await delivery to the alleged master who designed their return to Louisville by the steamer Ohio, which was to leave Detroit at four o'clock on the afternoon of the following Monday. That evening there was a gathering of the colored people at the house of one of their number; the meeting attracted no attention, and its purpose was jealously guarded. The next day, being Sunday, two of the female friends of Mrs. Blackburn,—a Mrs. Lightfoot and a Mrs. French,—paid her a visit in the county jail. The visit was protracted until the dusk of evening. In the meantime Mrs. French and Mrs. Blackburn had exchanged clothing; and when the farewells were said, Mrs. French was left as the inmate behind the bars, while Mrs. Blackburn lost no time in crossing to the Canadian shore. The deception was not discovered until the following morning, when an effort

was straightway made to take Mrs. French in the place of the woman she had liberated; this purpose was at once frustrated by *habeas corpus* proceedings.

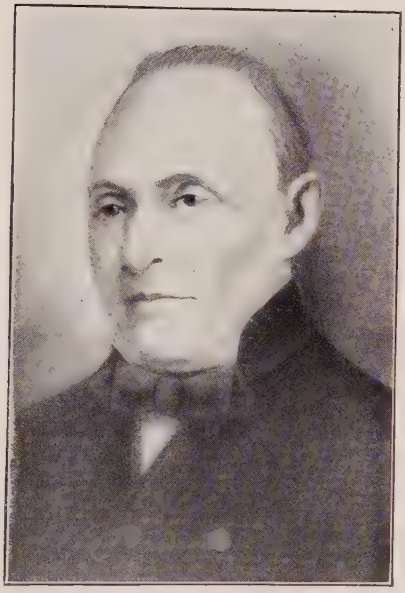
As the hour approached for taking Blackburn to the boat, a few people congregated at the jail, and soon Sheriff John M. Wilson with Blackburn, his master's son, and a deputy appeared at the doorway. A few Negroes were in the crowd, and these at once assumed a menacing attitude. Blackburn volunteered to quiet their excitement, and as he was manacled he was allowed to step forward as if to address the people; as he did this he wrenched his hands to his side, and drew a murderous pistol and turned with fury on his captors, who all save the Sheriff retreated within the jail. At once from the bushes that grew near the jail, from barns, and from every means of cover scores of Negroes rushed towards the jail armed with every conceivable kind of weapon. The Sheriff courageously stood his ground and used his pistol to effective purpose, but he was soon felled to the ground, his skull fractured by the blow of a missle tied in a handkerchief. The blind horse and creaking dray of "Daddy" Walker, which as if by the merest chance was standing by, was backed to the jail porch, and an old negress known as "Sleepy Polly" performed the only dexterous feat of her existence by grabbing Blackburn by the collar and jerking him unceremoniously upon the dray of his countryman, which at once started down the Gratiot road with all the speed that could be developed by the sightless nag. The speed may have been somewhat accelerated by the shouts of the multitude, which now numbering several hundred, gave pursuit. When near the present Russell Street, the Negro left the conveyance

GEORGE B. PORTER
Governor of Michigan Territory 1831-1834.



GEN. JOHN R. WILLIAMS

In command of Michigan militia that marched overland from Detroit to Chicago to take help to Fort Dearborn and aid in protecting the frontier during the Black Hawk War of 1832.



BLACK HAWK
Chief of the Sacs and Foxes and leader in the "Black Hawk" War, 1832.

and plunged into the forest. The manacles were soon severed and before nightfall Blackburn and his friends emerged from the woods near the River Rouge where a boatman was procured, who for the gift of a watch landed the fugitive on the Sandwich shore. Long before this time the excitement had risen to fever heat in Detroit. Bugles were blown, the fire bell was rung, and everywhere the cry went "The niggers have risen and the Sheriff is dead." At once a score or more of Negroes were placed under arrest, under an old statute requiring people of their race to give security for their good behavior. During the night one or two buildings and a large amount of wood piled by the jail were set on fire and the word was circulated that the Negroes from the Canadian side were attempting to burn the town. The militia was called out and for a week nightly patrolled the streets.

For a time many Negroes sought the Windsor side of the river because of the hostile feeling aroused. Blackburn was arrested and placed in the Sandwich jail, and an effort was made to extradite him on the charge of conspiring for the murder of Sheriff Wilson; but the Sheriff ultimately rallied from his injuries, although he died from the effects of them a few years later, and after a few weeks Blackburn was released. Thus ended the "Negro Riot," which long continued to be a theme of conversation, and which was the cause of an excitement that did injustice to many people who were altogether unoffending.

Long before the "Negro Riot" had distracted people's attention from the common routine of affairs, the people of Detroit had been planning for the celebration of the

Fourth of July, with all the enthusiasm and interest that characterized the celebration of Independence Day in earlier days of the Republic. From the letters of the mother, Mrs. Mason, Mrs. Norvell, and the younger sister, to the absent ones at Troy, we gather an interesting account of this old time celebration. The festivities opened on the night of the 3rd by a grand ball at the Mansion House, given by the gentlemen of the city, where according to Mrs. Norvell there were more ladies present than she had ever seen before at a ball in Detroit. The morning was ushered in with the ringing of bells and the firing of cannon. A little later Major Rowland marched a procession composed of drummers and fifers, a company of infantry, and a company of light dragoons, together with the turnout of a strolling circus temporarily in the city, up and down Jefferson Avenue, whence all adjourned to the Capitol to listen to an oration "which was very well done" by Jacob M. Howard; although this was a little too long, the defect was compensated by its patriotism; Thomson read the Declaration of Independence "with uncommon propriety"; and Franklin Sawyer read a poem that was "exceedingly tiresome." Adjournment was then taken to a grand dinner served to the leading inhabitants of the city, which was concluded by "General Williams and Charley Whipple making speeches to each other as tedious as you can well imagine"; after which Major Rowland again marched his men a turn on the avenue, as Mrs. Norvell observes, "to aid their digestive organs." The events closed with the fireworks and a balloon exhibited to the whole city on the Common near the Capitol.

But the greatest event of the day came when at about

three o'clock in the afternoon the steamship Superior arrived with the old warrior Black Hawk, his son, The Thunder, and a few members of his band under the escort of Major John Garland, in whose suite was young Lieutenant Jefferson Davis. Black Hawk had been held a military prisoner long enough to feel the hand of governmental authority, and now after a trip through Washington, Philadelphia, Baltimore, New York, Albany and Buffalo, he was on the way to his people beyond the Mississippi. Black Hawk's arrival had been heralded, for he had taken his departure from Fortress Monroe a month previous; before the steamer touched the wharf the whole population was wedged into the restricted limits of its approach; so great was the crowd that it was not until the lapse of a considerable time that the carriages containing the party were able to proceed. On the morning of the 5th Black Hawk and his party made a call upon Acting Governor Mason at the Mason home; the mother's description of Black Hawk is not without interest:

"He is one of the most benevolent looking men you ever saw and has a face that resembles the bust of Franklin more than anyone else. He dresses in imitation of General Jackson, a blue surtout coat, a white hat, cane and spectacles. The others of his party are dressed and painted in Indian style. His son of whom so much has been said is a most splendid fellow, his form and carriage a model for a sculptor. But he has been so much admired, particularly by the ladies, that he appears to require every attention wherever he goes. His fingers are covered with rings which have been presented him by many ladies of distinction. He has a gold box given him by Kimble while in New York."

Black Hawk had not been at Detroit since the War of 1812 and he was greatly amazed at the change which twenty years had wrought. Two decades had changed the place from a street of a few scattered houses to a community that was daily taking on the dignities of a city. Nowhere did the old Indian see more abundant proof of the irresistible westward advance of the white invader than here, where but a few short years before the white men had been so few that he had believed it possible to drive them away forever. Now he felt the full truth of his statement to Colonel Eustis at Fortress Monroe when he said, "Brother, your houses are as numerous as the leaves upon the trees and your warriors like the sands upon the shore of the big lake."

Black Hawk's departure did not leave the community destitute of themes and incidents of interest. Immigration, which had been almost wholly suspended during the cholera epidemic of the year before, was now in a degree resumed. Daily, strangers were arriving and gathering equipment for a start into the interior. Leisurely moving ox teams yoked to heavy wagons loaded with heroic mother and perhaps a numerous brood of children, with the absolute necessities of the pioneer home and farm, were scenes upon the streets of Detroit too familiar to attract even passing notice. Not unfrequently the rear of such an outfit was brought up by the sturdy father and perhaps an elder son leading a cow or two and driving a half score of sheep whose wool was to make the warm woolen socks that were to busy the housewife and daughters during the long evenings of the winter.

As Detroit had now become an important point in the journey of those who passed from Buffalo to points con-

tiguous to the Great Lakes, it was frequently the stopping place, for days, of many gentlemen eminent in official and commercial life. Young Mason had been nurtured in a home and atmosphere where hospitality was one of the cardinal virtues, to be discharged as a pleasure and not as an obligation. The exclusiveness of many Detroit homes was quite beyond the understanding of the young Virginian and his mother, who seemingly felt it to be a duty to take up and discharge a social obligation that they believed to be incumbent upon the community. So it was that sometimes for a considerable space, not a week passed without a special dinner at the home, arranged for the entertainment of one or more honored guests and a few congenial spirits, the spice of whose wit added flavor to the viands. Many a distinguished visitor, as well as many a man of influence in the Territory cemented bonds of friendship with the young Secretary in the geniality of the paternal home and the hospitality of its board.

Although the people of Detroit were continually apprehensive of the reappearance of cholera during the summer of 1833, it did not develop, the town continuing to be as free from pestilential disorders as the year previous had been afflicted; but it raged in many places, among others being the town of Louisville, Kentucky. One of the effects of its appearance at this place was to drive a theatrical company from there to Detroit, which nightly for three or four weeks rendered Shakespearian and other productions to admiring audiences. So enthusiastic was the reception of this company and so liberal the public patronage that the question of subscribing funds for a theater received much consideration. The perform-

ance was the occasion of not a little amusement at the expense of Major Whipple, who, it was claimed, had gone nightly, and by arrangement with the manager was favored with a seat "behind the scenes,"—he alleging that as he was a "church member" he preferred not to be seen too often in the audience.

At about this time the Negroes of the city were again the occasion of some uneasiness. Several of their number had been subjected to short terms of imprisonment and small fines for the disturbances of some weeks previous, while a few were held awaiting the possibility of a more serious charge, dependent upon the fortunes of the Sheriff. The ones at liberty were now demanding their friends' immediate release. As a moral influence, it is said, an old Negress bearing a white flag on a pole marched at the head of a motley procession of her race, through the principal streets of the town in defiance of the civil authority. As rumors of threats to do violence were again rife, Mayor Chapin issued a proclamation ordering all colored people who could not exhibit proof of their freedom or give security for their good behavior to leave the city. As General Cass, Secretary of War, was then in the city, the Mayor applied to him on the 25th of July for a detachment of United States troops to be stationed in the city to act under municipal authority. The day following, a company from Fort Gratiot were brought to the city and placed under command of General Hugh Brady, to be retained as long as he might deem necessary. As there was at once a scurrying of the disorderly element to the opposite shore, the troops were soon ordered back to Fort Gratiot, and public tranquility was once more established.

One of the acts of the Legislative Council of 1833 had been to reorganize the Territorial militia; by one of the provisions the various companies were to meet "in their respective beats, on the first Tuesday in May in every year, at nine of the clock in the forenoon, for the purpose of improving in martial exercise; and also once in each year between the first and last days of October by regiment or separate battalion, at such time and place as the commanding officer of the brigade shall direct for the purpose of inspection, review and martial exercise." These were the old time general training days, or "muster days," when the pioneer came accoutered, in the language of the statute, "with a good musket or fire lock, a sufficient bayonet and a belt, two spare flints and a knapsack, a pouch with a box therein, to contain therein not less than twenty-five cartridges suited to the bore of his musket or fire lock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shotpouch and powder horn, twenty balls suited to the bore of his rifle and a quarter of a pound of powder." General training served as the safety valve to pent up energies in pioneer vigor, even if it did not produce finished soldiers. The provisions of the law would seem to indicate that every precaution was taken to make the occasion one of superior military education; but many a reminiscence from the aged pioneer indicates that they were times when some military maneuvers were varied with some excesses and much of the rough but harmless jollity of the period. As Commander-in-Chief, in the absence of Governor Porter, it fell to young Mason to be present with his staff at the General Musters at Monroe, Ann Arbor and the other places of rendezvous, and thus

the early days of October were employed. He made small pretense of great military knowledge, but of geniality and good fellowship he had an inexhaustible store, and his greeting by the backwoods private was far more cordial than would have been extended to a general in gold braid and epaulets; many a friendship which lasted to the end of his short life had its beginning in the days of the general trainings.

Young Mason was now in company with several other young men, making unusual application in hope of securing admission to the bar before the father's return, which was expected in February. By much industry he and his friends Isaac S. Rowlands and George N. Palmer were able to comply with the requirements, and received their certificates of admission on the 11th day of December.[1] It was an event of more than passing importance; and they celebrated it, in the language of the mother later written to the daughters, "by a tremendous supper and wine party at Woodworth's to which all the gentlemen in town were invited." This party was followed a few nights later by one of like character given by Jacob M. Howard and Franklin Sawyer to celebrate their own admission as members of the Wayne County bar. The congenial character of these gatherings may be inferred from the fact that they resulted in charges being preferred before the Detroit Temperance Society against one of its members, Mr. George Hand, who was then a young member of the bar, charging him with having indulged too freely in the wine portion of the banquet. The report of the committee appointed to investigate

[1]His admission to the territorial supreme court was on July 23, 1834.

this charge forces the conclusion that the pledge of a Detroit Temperance Society in the thirties had relation to the quantity rather than the quality of the beverage; for the report finds "that while Mr. Hand did in a sportive humor so conduct himself as to cause the belief in the minds of some of the gentlemen who testified that he was inebriated, this was nevertheless not the fact," although the report admits that the behavior indulged in was "well calculated to excite suspicion." The report closes with the wholesome observation that in view of the reflection cast upon the society, its members "cannot be too careful to abstain even from the appearance of evil." Of Mr. Hand it should be said that he was a graduate of Yale, in the class of '29, and later a most eminent member of the Detroit bar.

With the formalities of his admission to the bar attended to, young Mason made hasty preparations for his departure for Washington, where he went to confer with those in authority as to Territorial affairs, and from whence he was to repair to Troy to bring home the sisters so long absent. Starting with a team and sleigh, on December 16, he found his conveyance useless in Ohio for want of snow; but nothing daunted, he took the mail bags before him upon one horse, while the driver took his trunk upon the other, and thus burdened they pursued their way. Because of this delay the month of January was well advanced before, weary from the days of travel by the slow going stage which floundered in the snow-drifts of New York and the mud of Ohio, and many nights spent beneath the roofs of the primitive taverns by the way, they landed at their Detroit home. The home-coming of the daughters was the occasion of mingled joy and

sorrow; joy at the glad reunion, and sorrow because in their absence the family circle had been broken; late in October, after a few days' illness, death had claimed the sunshine of the family, Mary, the youngest. It was the occasion of a pungent grief to each member of the family, and to the mother a blow from which she never wholly recovered.

CHAPTER VII

The Boundary Dispute with Ohio

THE Territorial Council convened on January 7, 1834. Its assembling was an event looked forward to with more than ordinary interest by the people of Michigan, because the commencement of a period of transition was forcing many problems to the fore for discussion and adjustment.

The people of the peninsular portion of the Territory had expressed their preference for a state government, and a considerable number were anxiously awaiting each step in the program that was to confer the rights and privileges of sovereign power. Immigration into the Territory had been unprecedented, and there was every reason for its people to expect its speedy admission into the Union. Under the ordinary progress of such a program there would have been exceptional interest in the doings of both Council and Congress; but in Michigan this interest became much intensified by the development of conditions of a most unusual character, growing primarily out of the question of the southern boundary of the Territory and proposed State. As the boundary controversy developed into a question of first importance, in both the history of Michigan and in the career of Stevens Thomson Mason, it is necessary that a somewhat comprehensive review be made of the facts and circumstances connected with its commencement, progress and final termination.

The commencement is to be found in the fifth article of the famous Ordinance of 1787, enacted for the government of the Northwest Territory. This article, so far as it related to boundaries, provided in substance for the positive creation of at least three States from the Territory for which government was then provided. These three States would have corresponded with the present States of Ohio, Indiana and Illinois, except that their lines of division would have extended northward to the national boundary. Provision was however made "that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." This same article likewise provided that "whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever and shall be at liberty to form a permanent Constitution and State government."

The action of Congress with respect to the Territory at first seemed to indicate that it contemplated the three State plan, for in 1800 the Territory was divided into two Territories; approximately the present State of Ohio, and the eastern half of Michigan continuing the Northwest Territory, while all the western portion including the western half of the Michigan peninsula was organized as the Territory of Indiana. The eastern portion of Michigan was at once organized into the County of Wayne, with representation in the Territorial Council

which met at Chillicothe. At this time the eastern Territory had a population of 45,916, of whom 3,757 were inhabitants of the County of Wayne. Two years later, in 1802, an enabling Act was passed by Congress for the formation of the State of Ohio. The people of Wayne County at this time were in close sympathy and relation with their neighbors to the south and desired to be included in the new State about to be formed. They were considerably angered and chagrined when they discovered that Ohio influence had shut them out of the prospective State by prescribing in the enabling Act that the northern boundary of such State should be the Ordinance line, which we have seen was a line running due east and west "through the southerly bend or extreme of Lake Michigan." Wayne County citizens protested at being thus excluded, but they were mostly Federalists, and as Ohio politicians were Republicans, their protests fell upon deaf ears. The enabling act provided that Wayne County might be attached to the new State if Congress saw fit, but its people were excluded from all participation in the formation of its Constitution or from voicing an expression on the subject. It was a matter of political good fortune that Wayne County did not become a part of Ohio, but that it was attached to Indiana Territory instead, for the peninsula was thus united in one natural subdivision.

In 1803 Governor William Henry Harrison created a new Wayne County, comprising the territory east of a north and south line drawn through the center of Lake Michigan; this included all of the lower and the eastern half of the Upper Peninsula. The Chillicothe convention in forming the Constitution of Ohio evidently became

suspicious that the northern boundary as prescribed in the enabling Act might intersect Lake Erie at a point so far south that the Maumee or Miami Bay which they coveted would be found to be outside of the State. For that reason they embodied in their Constitution as the northern boundary of the proposed State, the boundary of the enabling Act coupled with the proviso that, "If the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie or if it should intersect the said Lake Erie east of the mouth of the Miami River of the Lakes, then with the assent of Congress of the United States the northern boundary of this State shall be established by and extended to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay."

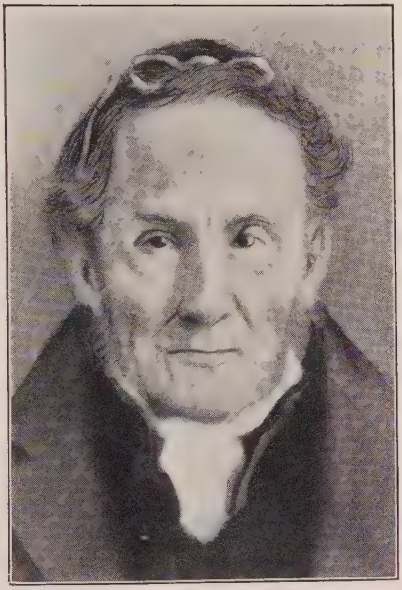
When the Ohio Constitution came before Congress for the admission of that State into the Union, the congressional committee to whom the matter was referred refused to consider the proviso; they advanced the very natural objection, first, that it depended upon a fact not yet ascertained, and secondly, that it was a matter not submitted to the consideration of the Convention. Congress accepted the view of the committee, and on February 19, 1803 passed an Act extending the laws of the United States over the State, without mention of the proviso of its Constitution. As soon as the congressional delegation of Ohio was seated, it began efforts to secure formal congressional recognition of the line set forth in the boundary proviso, but to no purpose. Congress could not be induced to take action in the matter.

In the meantime, Michigan was becoming ambitious

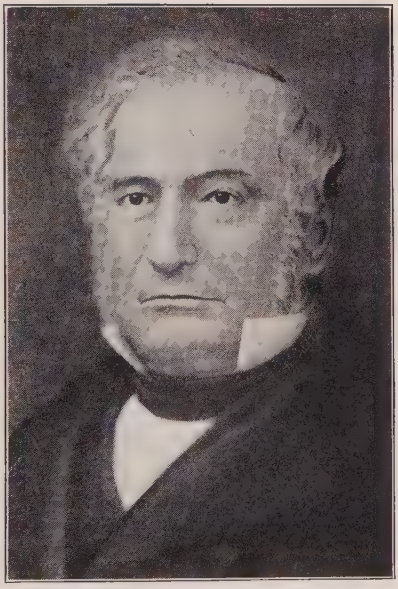
for an independent Territorial government; and in January 1805, this ambition was achieved by the creation of the Territory of Michigan. At this time Ohio again sought for recognition of the line extending its northern boundary; but Congress was evidently impressed with the inviolable character of the line as fixed by the Ordinance of 1787, and so Michigan Territory was created with its southern boundary "a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie," etc. Michigan now not only went into actual possession of the territory extending to this line, but began a series of acts of authority and jurisdiction over it. For a time the question was dormant, except for an occasional resolution of the Ohio Assembly instructing their Congressmen to use their efforts to secure the passage of a law defining the northern boundary. These appeals brought no results until 1812; then, as the Indian title to the land had been extinguished and settlers were going into the country, it became necessary that Congress take some action; now again the action taken was not in accord with the desires of Ohio, for the bill which became a law provided for the survey of the line as established in the enabling Act and which had been given as the southern boundary of Michigan Territory. Indian hostilities and war with Great Britain soon absorbed public attention, and the proposed survey was postponed for three years more; the president then directed the Surveyor General of Ohio to proceed with the work in accordance with the provision of the law of 1812. The Surveyor General, December 31, 1816, commissioned William Harris to run the line; instead of instructing him to run the line as provided by the law

authorizing the survey, he gave instructions for the running of the line in accordance with the Ohio proviso, from the southerly bend of Lake Michigan to the most northerly cape of the Maumee Bay; Harris proceeded to do so, the line thereafter being known as the Harris line.

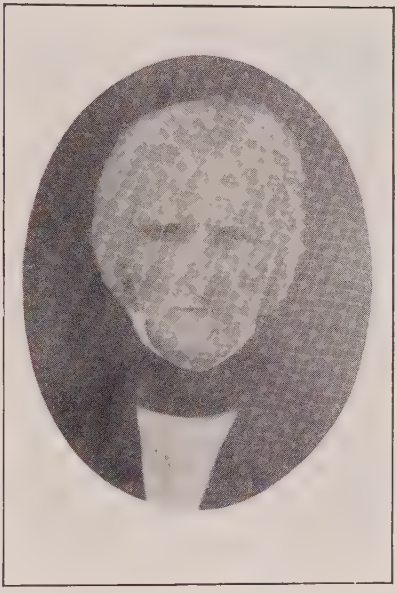
This line as run by Harris, immediately brought inquiry from Governor Cass of Michigan Territory to the Surveyor General as to the authority for such a survey, and when the Assembly of Ohio sought by their declarations to settle the question according to their desires, the Governor and Judges of Michigan in 1818 not only adopted a strong memorial to Congress, but sent a committee to Washington to press the claims of the Territory; so successful was Michigan that the President gave orders for the marking of the northern boundary of Ohio according to the provisions of the Act of 1812. John A. Fulton was commissioned to run this line; which he did, intersecting Lake Erie at a point about seven miles south of the point of intersection by the Harris line; the line took the name of its surveyor, and became known as the "Fulton line." Two years before this time, and on the 11th day of December 1816, Indiana quite unopposed had sought and obtained admission into the Union with her northern boundary ten miles to the north of the Ordinance line. As the district thus included was in an uninhabited portion of the Territory which was then without a delegate in Congress, Indiana's action passed unchallenged, if not unnoticed; but it did not escape notice in the later memorial of the Governor and Judges, who mentioned it, as they stated, "that it might not hereafter be supposed they have acquiesced." When in 1820 Ohio sought to extend her jurisdiction into the



ROBERT ABBOTT
First Auditor General of Michigan, Treasurer of Michigan Territory 1813-1836.



JAMES D. DOTY
Member of the Territorial Council of Michigan.



ROBERT LUCAS
Governor of Ohio at the time of the boundary dispute.

disputed territory, her acts brought a strong exposition of Michigan's claims from the then Acting Governor, William Woodbridge, to the Governor of Ohio, and to the President through John Quincy Adams, Secretary of State.

For the time being the question became quiescent, if not settled. Occasionally Ohio brought forward some measure relative to the northern boundary, but they did not receive legislative sanction, nor was Michigan disturbed in her possession or jurisdiction. In 1827 the Territorial Council organized the disputed territory into the Township of Port Lawrence, where they later collected taxes, built roads and enforced the civil and criminal law of the Territory. In 1831 it became apparent to all the parties concerned that a speedy termination of the controversy was much to be desired. Governor Cass in his message to the Council of that year gave a succinct review of the situation and suggested the expediency of a renewed expression, by a memorial to Congress, of the views of the Council and the expectations of their constitutents. Such a memorial was sent, but not until after a futile effort on the part of Michigan to adjust the difficulty had been made by Michigan offering to accept from Ohio, territory west of the Maumee River as compensation for such as was yielded by Michigan to the east of it.

As the Fulton survey, owing to the failure to establish the latitude of the southern extreme of Lake Michigan and the point where the line intersected the Maumee River and Lake Erie was unsatisfactory the national Congress in 1832 provided for the taking of these observations which were to be completed by December 31, 1835.

The work was intrusted to Captain Talcott of the United States Army; the actual work of the observations was largely performed by a brilliant young graduate from West Point, later to become known to the world as a great military genius, the hope of the Confederacy in the war between the states,—Robert E. Lee.

The "Talcott line" practically coincided with the "Fulton line," for they intersected the Maumee not more than three hundred yards apart. Toledo, or its predecessor Port Lawrence, was founded in 1832. It was promoted by Ohio capital and its people were ambitious that it should become the northern terminus of the canal by which the waters of Lake Erie should be connected with those of the Ohio at Cincinnati. On January 8, 1833, the Legislative Council of Michigan adopted a memorial to Congress asking authority for the people of the Territory north of the line drawn east from the southerly extreme of Lake Michigan to assemble by their delegates to form a State Constitution. On December 11th following, Lucius Lyon, the Territorial Delegate, presented the first formal petition of Michigan for admission into the Union. Henceforth the admission of Michigan and the boundary controversy became inseparable. Ohio insisted that it was a question which should be settled by Congress before the admission of Michigan; while Michigan was equally insistent that she should be granted statehood, and that the question of boundary was the proper subject of judicial inquiry for the highest court of the land. As Ohio based her claim on an appeal to what her representatives termed the "plenary, equitable and political discretion" of Congress, it is apparent why they

desired the decision of Congress rather than of the Supreme Court.

Following Michigan's demand for admission, Ohio proposed a bill to establish her northerly boundary on the "Harris line." This bill which passed the Senate, but failed in the House, drew from the Territorial Council a most emphatic memorial in which it recited the history of the facts upon which it based its claim and declared that "upon the authority of these Acts, the Territory of Michigan demands, as the right of the State of Michigan that the fundamental line running east and west through the southerly bend or extreme of Lake Michigan and no other" should be recognized as their southern boundary. To the House committee having in charge the bill for the admission of Michigan, the Territorial Delegate, Lucius Lyon, submitted an exhaustive argument on the boundary question which for perspicuity and logical deductions could not have been surpassed, and which from the standpoint of legal right remained unanswered.

Such was the status of this famous controversy in the early days of 1834. Interested as the people of Michigan were in the question it involved, it did not absorb their attention to the exclusion of many matters of domestic concern. The fact that statehood at the very farthest could be delayed but a short time, was directing the minds of men into new channels and crystalizing thought about issues that were to be prominent in the early history of the State. The Territory now had many men of keen foresight and sound judgment who were more or less actively forecasting the material development that was to follow the creation of State institutions and the

increase of population. It is probable that at this time more than one-half of the inhabitants of the Territory in their passage hither had traveled by the Erie Canal for some portion of their journey. They had been eye witnesses of the great development in western New York which had resulted from the construction of this great means of transportation. Michigan had many inhabitants who had been residents of Ohio when Marietta was an outpost of civilization. They had seen the immigrants swarm to its fertile lands and cities and villages rise as if by magic. A million people had found homes in Ohio within the memory of many men who were still in the fresh vigor of their activities. Thousands of home seekers had passed on to near-by States on the prairies of Indiana and Illinois. Now the tide had turned toward Michigan, and it required but little imagination to conceive for it a future of equal if not surpassing glory. Ohio had now for nearly ten years been at work upon a program of extensive internal improvements. A system of canals was now in course of construction that it was confidently believed would bring to that State an era of unexampled prosperity. The practicability of steam as a motive power in transportation was now beginning to be realized, and even in distant Michigan there were those who were ambitious for the early inauguration of the "railway age." Within nine months after the successful trip of the "Rocket" in England and before there was a mile of track in use for general traffic in the United States, an Act was passed in the Michigan Legislative Council to incorporate the Pontiac and Detroit Railway Company, the Act bearing date July 31, 1830. This was followed by the chartering of the Detroit and St. Joseph

Railroad Company, January 29, 1832, designed to connect Detroit with the mouth of the St. Joseph River; and of the Erie and Kalamazoo Railroad Company, April 22, 1833, to connect Port Lawrence, now Toledo, with Adrian and ultimately to be projected to some point upon the Kalamazoo River. In his message to the Legislative Council, January 8, 1834, Governor Porter said:

"Permit me to call your attention to the laudable exertions now making by our citizens in different sections of the Territory, to procure the aid of the General Government in the construction of a railroad through the peninsula. A liberal provision has heretofore been made for works connected with the internal improvement of the Territory. Is there any subject more worthy of their fostering care than the construction of this railroad? A large revenue is derived from the sale of the public lands within this peninsula. Nature has prepared the ground, and the small expense which would be incurred in constructing a railroad would be soon reimbursed by the increased amount of the sales and the numerous other advantages that would result as well to the government as to the individuals."

The Governor's message likewise suggested improvements to the St. Joseph, Kalamazoo, Grand and Clinton Rivers and to the St. Clair Flats, recommending a memorial to Congress praying governmental aid for these worthy objects. These recommendations were undoubtedly in accord with the ambitions of the people and in keeping with their judgment and forecast of development as well. These recommendations of the Governor, acts of the people and previous memorial of the Legislative Council, are important as bearing on later events in

the history of the State when internal improvement became a matter of State policy, in place of formative suggestions and discussion. Not a few who have written on the history of Michigan have treated the question of internal improvements as though it was a policy peculiar to Michigan, and even there inaugurated and prosecuted in opposition to the sound judgment of the people; whereas it was a policy common to many States, in accord with the sentiments of the people then entertained and as had been repeatedly expressed through the legislative and executive branches of their governments.[1]

At this session the Council passed Acts incorporating the Shelby and Detroit Railroad Company, both companies being empowered to "transport, take and carry property and persons, by the power and force of steam, of animals, or of any mechanical or other power or of any combination of them." Incorporation was likewise provided for a company to construct a canal connecting the waters of the Fox and Wisconsin Rivers, at or near the place known as the "Wisconsin Portage." Otherwise the legislation of the Council was of the routine and ordinary nature.

On the 6th day of July the people were shocked to learn of the sudden death of Governor Porter. He had been but a short time among the people of the Territory, but the association had been such as to earn him their confidence and high esteem. He had entered heartily into

[1]State activity in the matter of internal improvements both in Michigan and other States of the Northwest was no doubt much accelerated by the fact that the making of internal improvements at Federal expense was a question at this time upon which political parties were far from agreed and over which now and at later times great congressional contests were waged.

their hopes and aspirations, and the large concourse that gathered at the capitol for the ceremonies of his funeral was more than a mark of respect to his official station.

Stevens T. Mason, as Acting Governor, was now again the executive head of the Territory. Three years had served to remove most of the animosity occasioned by his appointment. His courtly manners and real abilities, his disposition to advise with men of judgment had made many of his early opposers his staunchest supporters. At the charter election in April previous, he had been chosen one of the aldermen at large of Detroit, and had proceeded with the discharge of the office with commendable diligence and attention. As drunkenness had become disgracefully common upon the streets of the city, Mason took advantage of his official position in an effort to correct the condition by preparing and having enacted an ordinance whereby all dispensers of intoxicants were required to pay an annual license fee of fifty dollars and were prohibited from selling liquors in quantities of less than one gallon. The ordinance marks one of the first restrictive measures for the control of the liquor traffic within the Territory.

On the first of August the people of Detroit were suddenly horrified by the dreadful intelligence that the spectre of Asiatic cholera was again active in their midst. Almost without warning it began its ghastly work of decimation. Two years before it wrought its fearful havoc in the homes of the poor and among the desolate; now it was an impartial scourge, visiting with especial fatality the homes of culture and refinement. Seven per cent of the population of Detroit died in the single month of August. It again spread to various places of the

interior, Ann Arbor and Ypsilanti being special sufferers. More than a quarter of the population of Detroit fled from the town; for weeks an air of desolation hung over the stricken city; day after day the August sunshine beat down in almost deserted streets. Many of the stores were closed and but one or two small schooners swung lazily at their moorings upon the river. In regular runs the Henry Clay and one or two other steamboats touched the port, but more often to take away than to discharge passengers.

Father Gabriel Richard now had a worthy successor in the person of Father Martin Kundig, who rightfully became known as "The Apostle of Charity." The local authorities again sought the use of the Capitol as an emergency hospital, but were refused; then it was that Bishop Rese tendered the use of the edifice subsequently known as Trinity Church, then undergoing repairs to fit it for church uses. The building was hurriedly put in condition for a temporary hospital, and Father Kundig, the tall, handsome Swiss priest, placed in charge. Of the work of this good man no better recital can be given than to quote the words of that other eminent citizen, Charles C. Trowbridge, at that time Mayor of the city:

"Amidst the panic which ensued, a few stood calm and resolute. Among these no one was more distinguished, none so much admired as Father Kundig. Fearless and serene, he seemed to be ubiquitous among the stricken of the plague. At his personal expense he provided an ambulance, he went forth from morn till night on his errand of mercy, cheerful and cheering everyone. When some victim of the plague was found who was without friends or medical care, he carried the unfortunate to

his ambulance and drove to the hospital in the old church. When the church was reached, he carried the sufferer on his shoulders to the ward of the hospital where a band of young physicians, who had volunteered as nurses (and by the way not one of these young heroes was attacked by the plague) took charge until recovery or death decided the case."

Before the commencement of the epidemic, General John T. Mason had returned from Mexico, to be apprised of the death of his youngest born. The mother had suffered serious illness, which with the mental strain incident to her months of sorrow had greatly impaired her health. With the coming of the cholera, the father fearful of the shock to the delicate mother from the scenes that must ensue, and not unmindful of the violent contagion of the disease, took the wife and daughters to New York and the old Virginia home; Thomson alone of the family remained, and with one or two servants maintained the home while he manfully discharged the duties intrusted to his care, joining with others in alleviating the suffering, sorrow and distress incident to the direful situation. This was done not only by active effort, but by example of cheering fortitude and courage. With the approaching days of autumn the cholera plague subsided, and so far as was possible affairs assumed their normal status.

On the 28th of June, 1834, by Act of Congress, all the country north of the north line of the State of Missouri, west of the Mississippi and east of the Missouri and White Earth River was for the purposes of temporary government attached to and made a part of the Territory of Michigan; thus under Michigan Territory was com-

prehended the Territorial limits not only of the present State of Michigan, but of the present States of Wisconsin, Minnesota, Iowa and the eastern portion of North and South Dakota. The preceding Legislative Council in view of the anticipated attachment of the vast extent of country to Michigan and the necessity of appropriate legislation to bring it within the pale of civil government, as well as the need of attention to matters of special interest to Michigan proper, had petitioned Congress for the authority to hold a special session. This authority was granted, and in conformity therewith Acting Governor Mason convened the body in extra session at Detroit on September 1 ensuing.

The message of the young executive delivered on the day following the assembling of the Council had the ring of energy and action that ever after characterized his public utterances. Public sentiment in Michigan was becoming somewhat aroused. State feeling as distinguished from national feeling was strong. The people of the Territory believed that they had certain rights guaranteed to them by the Ordinance of 1787, and that these rights were as sacred as though guaranteed by the provisions of the Constitution itself. Among these was the right to the southern boundary as prescribed in the Ordinance and the right to formulate a Constitution and create a State government when they should have sixty thousand free inhabitants; which they now had. The petitions and memorials from the Legislative Council to the national Congress asking what the people believed to be their rights had been treated by that body as though they were petitions upon the grace of Congress for that which it was within their power to grant or withhold at

pleasure. Weary from entreaty, the people of the Territory resolved upon a program of aggression, and the message of Acting Governor Mason to the special session of the Council disclosed that it was a program with which he was in full sympathy and accord.

"The leading purpose of your present session," said he, "contemplates the speedy admission of Michigan into the Union." After recommending the taking of a census as a step in effecting the desired object, he proceeded to say, "The time has arrived when Michigan is called upon to act for herself. She has petitioned Congress again and again to extend to her the same measure of liberality and justice which has been extended to all the Territories admitted into the Union as States. None of these Territories had at the time of their admission a population equal to sixty thousand souls, a population on the attainment of which we are authorized by the Ordinance of 1787 to claim an incorporation with a Republican constitution into the Union, on an equal footing with the original States. All, or most of the Territories have been admitted when they possessed a number of inhabitants equal to their ratio of representation in their House of Representatives of the United States. Congress, under the influence of the policy which at present guides its deliberations, has failed to accede to the reiterated applications of Michigan, with a population greater by far than that of any other favored Territory for power to form a Constitution and State government. She has but one course left for the assertion of her equal rights. It is to ascertain her population, which is beyond doubt more than sixty thousand; to proceed in that event to the calling of a Convention for the institution of a

State government and to the election of a Representative and Senator to Congress. The State of Michigan will then have a right to demand admission into the Union: and it is not to be anticipated that the Congress of the United States will hesitate to yield as a matter of right what they have heretofore refused to grant as a favour."

Continuing he said, "It has become manifest, that as a Territory, we have but little weight in the deliberation of Congress on subjects connected with a view to other interests than our own." Surely much that had preceded and much that was to follow was proof of this assertion.

Among other things, the message called attention to the country beyond the Mississippi that had been added to the Territory for the purpose of temporary government; pleaded for the abolition of imprisonment for debt, "a flagrant violation of personal liberty, entirely at war with the spirit and genius of our institutions and a stain upon the legal code of the country;" and mentioned that the Secretary of War had detailed competent engineers from the army to make surveys for one or more railroads across the peninsula; "in view of its vast importance to the interests of Michigan," he suggested the propriety of paying for the same by an appropriation from the Territorial treasury.

It was at this time that Lieutenant John M. Berrien became associated with the railway projects of Michigan in the capacity of a civil engineer, an association that lasted for many years, first for the State and later for the Michigan Central Railroad Company when it had taken over its properties from State control.

The Council in accordance with the recommendations

of the Acting Governor promptly passed an Act to provide for the taking of a census of the inhabitants of the Territory east of the Mississippi River, the same to be taken between the first Monday of October and the first Monday of November following.

Previous to this time the Territory now embraced within the State of Wisconsin had been laid out into the counties of Michilimackinac, Brown, Crawford and Iowa, the first named also including the northern portion of the peninsula of Michigan. Milwaukee County was now created and made to contain some 2,500 square miles of territory bordering upon Lake Michigan and the northern boundary of Illinois. Of the territory west of the Mississippi, to which the Indian title had been extinguished, all south of a line drawn west from Rock Island to the Missouri River and north of the State of Missouri was constituted the County of Des Moines, while all north of such line was constituted the County of Dubuque, said counties respectively being given corporate existence as the townships of Flint, Hill and Julien. This work being completed during the first week of the session, at the expiration of that time the Council adjourned to the 11th of November; by that time it was expected the census would be completed and it was hoped that the cholera epidemic would have subsided so that the public business might be attended to under conditions less gruesome and distressing. Adjournment was not taken, however, until the Council had given expression by resolution to its convictions on the question of the southern boundary and its right to form a Constitution and State government whenever there were sixty thousand free inhabitants in the Territory; and inasmuch as such provisions

were a part of the Act of cession by which Virginia had ceded the Northwest to the Confederacy, the Council authorized the Acting Governor to communicate the resolutions adopted to the Governor of that State to be by him laid before the House of Delegates with the request that they "require of the Government of the United States a strict compliance with the said Act of Cession and Ordinance, more particularly by abstaining from any legislation upon the subject of the northern boundary of Ohio, and that she will aid our inhabitants in maintaining the integrity of the limits of the State or States to be formed north of the east and west line aforesaid."

On September 10th Acting Governor Mason communicated the resolutions to Hon. Littleton W. Tasewell, Governor of Virginia, accompanying them with a personal letter giving a history of the controversy from its inception, and closing his review of the facts by saying:

"Michigan feels justified in making an appeal to Virginia, in the fact that she is as it were, her offspring; springing from an act of disinterested and noble generosity on the part of Virginia, she looks up to her as a parent, and feels a strong degree of confidence in the belief that her rights will be protected.

"It is with pleasure, Sir, that I address you on this subject; from whom candor, impartiality and justice can confidently be expected, and if permitted in addition to my duties to the people of Michigan, I might allude to my own feelings, as a native of Virginia, in justification of the zeal with which I urge a full examination and consideration of the subject by your Excellency, under a conviction that you will recommend to the Legislature

of your State the adoption of such measures as will be consistent with the rights of those interested."

Governor Tasewell responded to the letter with a suavity characteristic of the time. Writing of the letter received from Mason, he said:

"In it you appeal to the justice of Virginia, and found your appeal a strong representation of the merits of the case. I could say nothing more and nothing half so well. It is due not less to you than to the cause of Michigan therefore that her claim should be presented in the very words of her own powerful advocate.

"If I transcend the prescribed forms of official duty, to thank you for the spirit in which your letter is written, you, who feel that spirit, will excuse me. You style yourself 'a native of Virginia' and in the sentiments you utter, I not only recognize you as such, but as a descendent of those to whom we are indebted for much of that spirit which we still feel. When Virginia forgets a Mason worthy of his name, she will dishonor herself, and when a native Mason of that class forgets Virginia, he will do no less."

The resolutions and some of the correspondence found their way into the journal of the Virginia House of Delegates, but aside from the fact that they served as the occasion for the passage of some stilted compliments, they served no special purpose, for they brought no legislative expression on the subject of the controversy.

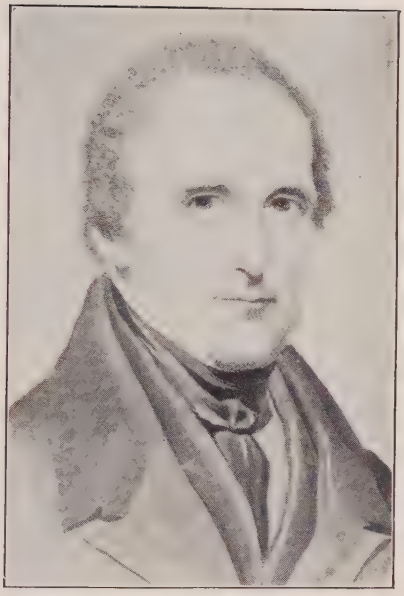
The cholera epidemic ended almost as abruptly as it began. From the 5th of August to the 1st of September, three hundred and nineteen victims had been claimed by the scourge; and on Wednesday, the 24th of the latter

month, the people of the city observed a day of Thanksgiving and prayer "for the mercy that had stayed the visitation."

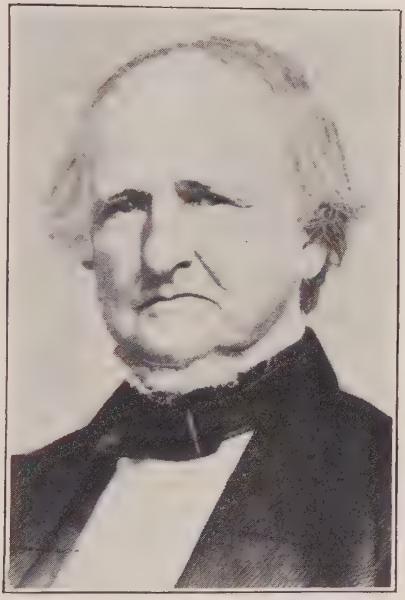
Acting Governor Mason with a couple of servants was still the sole tenant of the Mason home. To the absent sisters he wrote frequent letters in a half serious, half humorous vein that disclose characteristics at variance with those he was reputed to possess. To the younger sister Catherine, he wrote:

"I suppose you have a surfeit of a fashionable city life and long once more to enjoy the quiet and comfort of your own home, which is at last the only place where true happiness is to be found. As for myself, give me the ease and simplicity of nature unalloyed by what are called the improvements in society, but what are to me the heartless and arbitrary regulations of men, made to play off 'such fantastic tricks as would make the angels weep.' The longer I live, the more I hate good society as it is now rated. Had I an empire of my own, I would as strictly quarantine the approach of fashion as I would that of a contagious fever; both are equally dangerous and one case of either thrown into a community, will soon spread over it, unless in the former instance the constitutions of the citizens are strong enough to withstand disease, and in the latter, their heads sufficiently sound to resist the contagion of fashion. So recollect, you and Emily are to bring none of the exquisites of fashion concealed in your *frock sleeves,* or I shall follow the recent example of Governor Hayne of South Carolina and consider it my duty as Chief Magistrate of Michigan to issue a proclamation against your landing in the Territory.

GEN. JOSEPH W. BROWN
Commander of Michigan Militia in the Black Hawk War. Regent of the University 1839.



RICHARD RUSH
Member of the National Commission to adjust the Ohio boundary dispute.



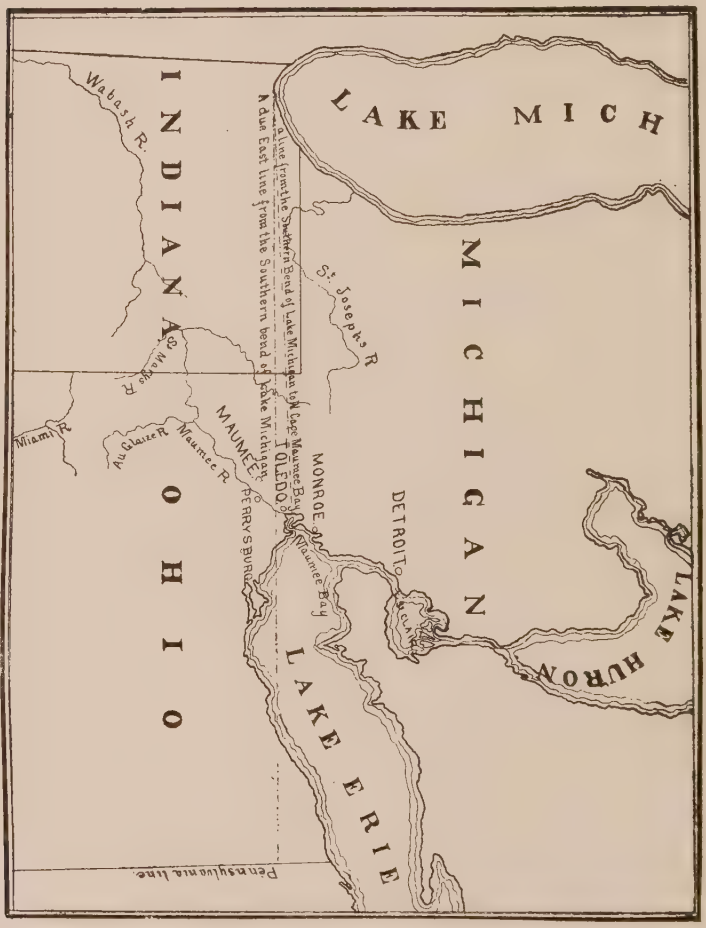
BENJAMIN C. HOWARD
Member of the National Commission to adjust the Ohio boundary dispute.

He railed against the cholera and would have none of it. I'll have none of fashion *modernized.*"

The distinguished English author, Harriet Martineau, who was now in New York City, soon met the family of General Mason, by whom she was cordially invited to include Detroit in her itinerary and to make the Mason home her abiding place while there sojourning. This information communicated to Thomson brought a prompt letter to the sister Emily in which he says: "I have been daily standing in dread of the arrival of Miss Martineau, who I am informed has been invited to take up her quarters with us during her stay in Detroit. I wish her no harm, but pray heaven she may never arrive. Imagine to yourself, Miss Martineau amongst us with our present household, Jemmy the *dining room servant,* and Ann, *her waiting maid.* An earthquake would not produce more terror amongst us than her presence. Everybody about the house trembles at noise of a steamboat. Even the old gobbler in the yard seems frightened, for the knock of Miss Martineau at the door of our mansion is the knell of his departure 'to the place from which turkeys never return.' If a master's hopes, his servants' petitions, and a gobbler's prayer will avail anything, heaven will send adverse winds to the vessel that bears Miss Martineau to our port."

Whether there was potency in the hopes, petitions, and prayers, to which reference was made, will never be known; but from some cause the visit of Miss Martineau was delayed until the following June, when from her subsequently published work *Society in America and Retrospect of Western Travel,* it would seem that the impedi-

ments in the way of her proper entertainment had passed away, and that from the home of the genial General she took away memories of the kindliest and most pleasing nature.



Map showing boundary dispute with Ohio during the Toledo War in 1835.

CHAPTER VIII

The Boundary Dispute with Ohio (Con.)

ON November 11th the Council reconvened, and on the 18th the returns of the census of the counties east of Lake Michigan being completed,—they were communicated to the Council in a special message from the Acting Governor. The completed census showed a population of 85,856 within the Lower Peninsula, a number almost a third greater than that which the Ordinance of 1787 had fixed as a prerequisite for statehood and admission into the Union, and much larger than that possessed by any of the States that had previously been admitted to statehood from the Northwest. The message went fully into the question of the propriety of calling a Convention to frame a Constitution, and detailed at length the arguments in support of their right to do so. Now that Michigan proper had a population of sixty thousand, the Acting Governor in common with a large body of her citizens was firm in the belief that Congress would impose no objection to the admission of the State. To the mind of the Acting Governor, Michigan was now in position to avail herself of that provision of the fundamental Ordinance which said that "Such State *shall* be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever, and *shall* be at liberty to form a permanent Constitution and State government." This provision was quoted in the message with the emphasis in-

dicated. The executive sought to make clear that the only discretion left for Congress to exercise is, to determine that our Constitution is republican.

That Michigan might be free to work out her scheme of state building, the Acting Governor urged the importance of memorializing Congress to set off the country west of Lake Michigan under a separate and distinct Territorial government. The message closed with a paragraph indicating that its writer was not unmindful of the gravity of the program he was recommending, should it be followed. In his words:

"'Constitutions are the work of time, not the invention of ingenuity,' and too much deliberation and reflection cannot in its formation be bestowed upon an instrument on which the future prosperity of our Territory and the happiness of her citizens may depend. When a nation is about to make a change in its political character, it behooves it to summon to its aid the experience of ages which have passed and the wisdom and talents of the present day, and to ascertain clearly those great principles of equal rights and sound policy which effectually secure the liberties and properties of the people. Such is the situation of Michigan at present. She is about to change her political character. Her citizens should reflect upon the important step they are about to take; and with the view of bringing before them the numerous questions of importance which the measure will involve, I most earnestly recommend the passage of such a law as I have suggested to your consideration."

On the day following, the 19th, Acting Governor Mason sent a second message to the Council in executive session, from which it appears that his program for "breaking

into the Union" was not the product of that youthful audacity that has been sometimes charged; but was rather in furtherance of a calculating and well-considered policy. Stevens T. Mason, young though he was, was not without a keen appreciation of the odds that were against the Territory of Michigan in the contest with Ohio. He realized not only the great power of Ohio alone, but that Indiana and Illinois were in sympathy with her cause; for they had projected their northern boundaries much further north of the Ordinance line than Ohio was now attempting,—jealously for their own interests made them partisans of Ohio. He had observed enough of politics to know that the simple consciousness of standing for the right is a very unattractive reward in a contest of politics and expediency; and as Michigan was a Territory without electoral votes or political prestige, she had but little more than this reward of conscience to offer. In his message he said:

"The general rights of Michigan to admission to the Union are fully understood by you. The only question of doubt in your minds can be whether you will immediately call a convention to form a Constitution and State government, or petition Congress at their next session to admit us into the Union as a sovereign and independent State. Under ordinary circumstances, the latter course would certainly be most to be preferred and should unquestionably be followed. It would prevent all collision with the General Government, and could but be calculated to increase the common feeling of sympathy which is entertained by the different States of the Union. But when the dispute with Ohio is called in question, we have but one course to pursue. It is our policy to

avoid, and if possible prevent all legislation whatever on the part of Congress on that important subject. Under present circumstances we must be satisfied that Congress if brought to the test, will decide the question against us. Our only hope of success is to delay their action until we become a State, when we can appeal for justice to the supreme judicial tribunal of the country and maintain the rights which are secured to us by the Ordinance of July 13, 1787.

"No bill connected with the admission of Michigan can be carried through Congress without having cut off from us the country claimed by Ohio. This state of things would compel our delegates in Congress to turn about, and as a matter of duty to his constitutents, endeavor to defeat the very act which you yourselves would ask to be enacted."

It was in furtherance of this program that Elon Farnsworth, on November 21, introduced and later had passed a resolution asking Congress in the interest of the emigrants settling west of Lake Michigan, to declare its intention towards that Territory, whether it purposed to erect it into an independent State or to admit it as a part of one State to be formed north of the Ordinance line. Likewise James D. Doty, member from Green Bay, submitted a report from the committee on Territorial affairs, intended for the United States Congress, in which he graphically described the conditions west of Lake Michigan and made representations well calculated to induce that body to take action looking to the establishment of an independent government in that region. Upon the adoption of this memorial a few days later, Mr. Doty made an ineffectual attempt to have the islands of Mack-

inac and Bois Blanc included in the Territorial limits of the government sought to be created in the region west of Lake Michigan; the proposition commanded the support of only two western delegates and one from the county of Oakland.

There were some members of the Council who still believed that it was possible to reach an amicable adjustment of the perplexing boundary question. Through the efforts of Mr. Doty as the mover, a bill was framed giving authority to the Governor of the Territory to appoint three commissioners, with power to enter into negotiations with such commissioners as might be appointed by either of the States of Ohio, Indiana, or Illinois, or with the Governors of such States, "to adjust and finally settle the northern boundary of such States or either of them." The bill ultimately became a law, but not until after a somewhat spirited contest. Acting Governor Mason gave the measure his approval, not because he believed it would be the means of bringing about the adjustment contemplated, but because he knew that nothing would be lost thereby, and that some moral support might accrue to the Territorial cause by the refusal of Ohio to accede thereto. In this proffer of adjustment, Governor Lucas on the part of Ohio, refused to join, as he held, that inasmuch as Michigan was a Territory, her commissioners would be powerless to make an award that would be binding upon the State that would later supersede her temporary government.

On December 31, the special session of the Council adjourned sine die, the second session of the sixth Legislative Council convening on the 12th of January following. On this occasion the message of the Acting Gov-

ernor entered more exhaustively into the legal and historical basis of the boundary controversy and the right of the people of the Territory to form a Constitution and State government, than had any previous communication to the Council. It likewise reiterated his well known views on the question of imprisonment for debt, which he stigmatized as a "remnant of barbarity." It suggested the propriety of memorializing Congress for an appropriation for the erection of a marine hospital at Detroit, a need which the National Government recognized in 1854, by the erection of the hospital which is still in use at that port. Mason had been tutored in the political school of Jeffersonian democracy and he looked with scant sympathy upon legislation that tended to restrict the individual initiative or confer special privileges. He looked upon corporations as sometimes being subject to both of these political evils, and so we find his message calling attention to the subject in the language of his school and time.

"I would with diffidence," he proceeds to say, "but with a conviction of the importance of the subject, call your attention to the impolicy of granting of private incorporation. By a reference to our statute book it will be seen that this system has been already carried to such an extent, that if persevered in, it cannot fail to fill our Territory with an innumerable multitude of irresponsible companies. It must be admitted that individual enterprise is greatly embarrassed and discouraged by a too general and indiscriminate creation of corporate privileges. Individual enterprise and capital should be left free to operate, without having to contend against the consolidated wealth and power of oppressive moneyed

monopolies. I respectfully suggest the importance of confining your legislation on this subject to such cases of enterprise originating for the public good as individual effort and capital would be inadequate to accomplish."

It was bills extending corporate privileges to particular companies that brought the only clash between the Council and the Executive. All acts of incorporation under the Territorial and early State period were special in their character; corporations were not incorporated under general laws until after the adoption of the Constitution of 1850. Some of the Acts of incorporation passed by the Territorial Council sought to grant to the companies so incorporated exclusive privileges for long terms of years. All of such acts were vetoed by the Acting Governor, and he stated in a somewhat extended message on the subject that he considered such Acts "a departure from the principles of republican government."

As would be expected, the time of the Council was largely occupied with the issues presented by the controversy with Ohio and the formation of a State government. On January 26, after extended discussion, the Act to enable the people of Michigan to form a Constitution and State government became a law by receiving the signature of the Executive. Michigan was thus proceeding to do, without the consent of Congress, that which she had twice asked the consent of Congress that she might do. The act was preceded by a preamble which recited the historic facts upon which the Council predicated its right to proceed. It provided for a Convention of eighty-nine delegates to be elected from six-

teen districts. Wayne County, as the first district, led with seventeen delegates, while sixty-three of the delegates were from the counties of Wayne, Monroe, Lenawee, Washtenaw and Oakland and the counties attached to the two last mentioned counties for judicial purposes. The only qualifications required of a delegate were that he should be a citizen of the United States and twenty-one years of age. The right to vote at the election, which was fixed for Saturday the fourth day of the following April, was extended to all "the free white male inhabitants of said Territory, above the age of twenty-one years, who shall reside therein three months immediate preceding" the date of the election.

The delegates were to meet in convention at the Capitol in the city of Detroit on the second Monday of May following, and the Territorial limits of the proposed State for which they were to provide a Constitution was declared to have its southern boundary at the "east and west line drawn through the southerly bend or extreme of Lake Michigan" and its western boundary at a "line drawn from said southerly bend through the middle of said lake to its northern extremity and thence due to the northern boundary of the United States." These were the original southern and western boundaries of Michigan Territory as constituted in 1805.

Ohio was now far from a disinterested observer of what was transpiring in the Michigan Council. If the ambitions of the people of Michigan were to be realized and they were to achieve statehood without first obtaining congressional permission, then the question of boundary would become a question for the courts rather than for Congress, and this Ohio did not desire. On February 6

when Governor Robert Lucas transmitted to the Ohio Legislature the intelligence of the action of the Michigan Council in passing an Act providing for the appointment of commissioners to adjust the controversy, together with his reasons for refusing to accept the offer, he at the same time recommended to the Legislature the passage of an Act declaring "that all counties bordering on the northern boundary of the State of Ohio shall extend to and be bounded on the north by the line running from the southern extreme of Lake Michigan to the most northern cape of the Maumee Bay." On the 23rd of February the Ohio Legislature passed an act in conformity with the Governor's recommendations, extending the northern boundaries of Wood, Henry and Williams counties, to the "Harris line" and created the townships of Sylvania and Port Lawrence in the disputed Territory. Thus Ohio was proceeding to take that which for thirty years she had, by asking Congress to give it to her, admitted was the territory of another. At the same time the Ohio Legislature made provision for a commission to remark the "Harris line," while it adopted resolutions declaring among other things that "It ill becomes a million of freemen to humbly petition, year after year, for what justly belongs to them, and is completely within their control."

But Michigan statesmen were equal to the occasion. The news of Governor Lucas' recommendations to the Ohio Legislature no sooner reached Detroit than a bill was introduced in the Council which became a law on the 12th of February, making it unlawful for any person to exercise official functions within the Territory or any county therein as then organized, or to accept office within

the limits of the Territory other than from the authority of the Territory of Michigan or the United States; the penalty for the violation of this law was fixed at a fine not exceeding one thousand dollars or by imprisonment not exceeding five years.

Upon the passage of this law, the Territorial Council took a recess until March 16 to await developments and to allow a select committee time to formulate such legislation as might be necessary to facilitate the change from the Territorial to the State government.

In the interim, no man in Michigan was more active than the young Acting Governor. He was in almost daily conference with the officials of the Territory and in correspondence with the President and those in high authority. As early as February 28, General Joseph Brown, who at the time was an officer under the authority of the United States, was given a commission as Brigadier General of the Territorial militia and instructions as to action to be taken, when he should learn of the passage of the contemplated law on the part of Ohio, extending her northern boundary.

Two days later, the news of such action being communicated, Acting Governor Mason, as Commander-in-Chief, issued a circular to the brigade commanders, ordering them to hold themselves in readiness to obey the orders of Brigadier General Brown. Orders from General Brown now followed in quick succession, and the Territorial militia was soon in readiness for the fray. As the Executive and Legislature of Ohio proceeded in the prosecution of their plan, the young Acting Governor of Michigan promptly forwarded notice of their acts, with copies of proceedings to the President at Washing-

ton, and asked his counsel and instructions. But the authorities at the Capitol were slow to act. Ohio now had twenty-one electoral votes, Indiana and Illinois had fourteen more, Michigan had none. This made it necessary to approach the case with the utmost caution.

On March 21 Acting Governor Mason, having received no reply to his numerous communications, dispatched his aide, Colonel Norvell, as a special messenger to Washington to request of the President his interposition and defense of the rights of the Territory. He was followed on the 25th by an extended memorial from the members of the Council addressed to the President in person, wherein they temperately reviewed the claims of Michigan and the aggressions of Ohio and pledged themselves to "cheerfully submit" their rights to the "decision of the Supreme Court of the United States, and not only endeavor not to procrastinate its action, but to use all in their power to obtain the earliest decision," the memorial closing with a personal appeal to the President, that in style is strongly indicative of the fashioning hand of the Acting Governor. "We are aware, Sir," it concludes, "of all we ask and of the high responsibility it involves. But we are aware also that we appeal to a Chief Magistrate, who during a long life devoted to the public service, has, by splendid examples of patriotism and firmness, shown that he shrinks from no duty which the Constitution and laws impose upon him; and satisfied we are that if our cause is right, and if our views of Executive obligations are correct, you will not look to the relative strength or weakness of the parties, but to an impartial performance of the high functions committed to you."

On March 28 the Territorial Council adjourned, and five days later Acting Governor Mason repaired to Monroe to be near the scene of action. The Michigan partisans at Toledo had petitioned the Territorial Council and a law had been passed changing the place of holding the township meeting from Port Lawrence or Toledo to the "school house on Ten Mile Creek Prairie." Here the Michigan partisans met on the 1st of April and elected Michigan officials, while the Ohio partisans which were more numerous assembled at Port Lawrence and elected officials to act under the laws of Ohio. Governor Lucas and staff arrived at Perrysburg on the 2nd of April. General John Bell in command of the Ohio militia at once began active operations for the organization of his force. A few companies had arrived from a distance and volunteers were sought to make up the numerical strength desired. For many years the citizens of Perrysburg recalled the stirring scenes of this military experience; and more prominent in memory than the forms of generals in gold braid and tinsel was that of "Big Odle," a local character, of giant-like proportions, who, arrayed in a rifleman's green cloth coat, home-spun, and bark-dyed trousers, each trimmed in black lace, marched up and down the one long street of the village, vigorously beating a drum which seemed a toy in contrast with his exceptional size; while the purpose of his activity was told by a sign pinned to his tall narrow rimmed white hat, which bore the ominous legend, "Recruiting for war."

The Michigan authorities with less demonstrations but with equal determination, were preparing to resist any attempts on the part of Ohio to exercise jurisdiction

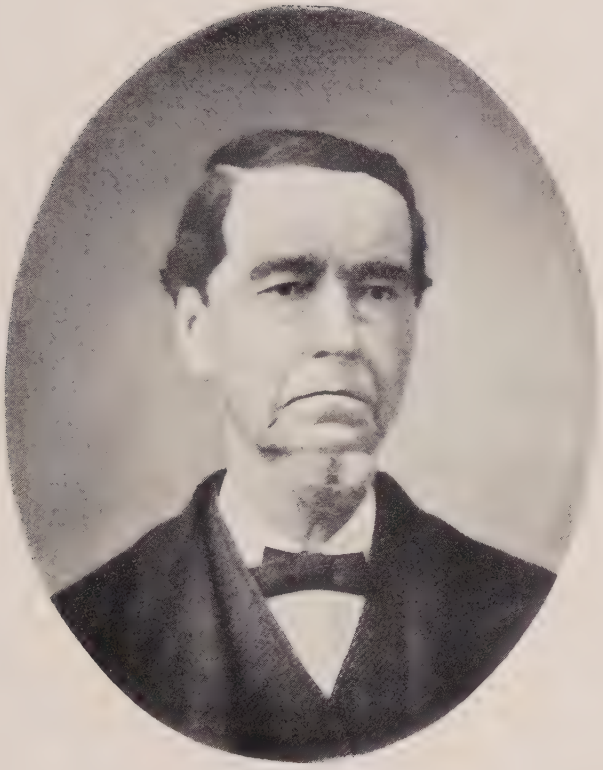
north of the Fulton line. General Brown had at first called out a numerous force of the Territorial militia, but Acting Governor Mason had urged the necessity of first exhausting the powers of the civil authority before calling upon the militia and so the greater part of the force that had been called to Monroe was allowed to return home. Mason was of the opinion that the *posse comitatus* would answer the preliminary stages of the contest, and he had hopes, as he wrote General Brown, that a small force on the part of the Territory might induce "Old Governor Lucas" to enter the disputed territory and exercise some official function that would subject him to prosecution under the law of February 12; then the civil officers of Monroe County, with a sufficient *posse,* could effect his arrest,—a *coup* that would certainly have given great pleasure to the people of Michigan, even though it would have had no influence in the settlement of the controversy.

Public interest in the contest was now at high pitch. The press of the country was giving extended space to the controversy, and the President was now seemingly impressed by the gravity of the situation. Early in March he had laid the matter before Benjamin F. Butler, the Attorney General, for his opinion as to the power and duties of the Executive to interfere therein. The Attorney General, after a careful examination of the question, had rendered an opinion which practically sustained the position of the Territory of Michigan, and denied the right of Ohio to exercise jurisdiction north of the Fulton line until Congress, or some competent tribunal, should extend the boundary to the line desired. The opinion likewise, held that the act of the Territorial

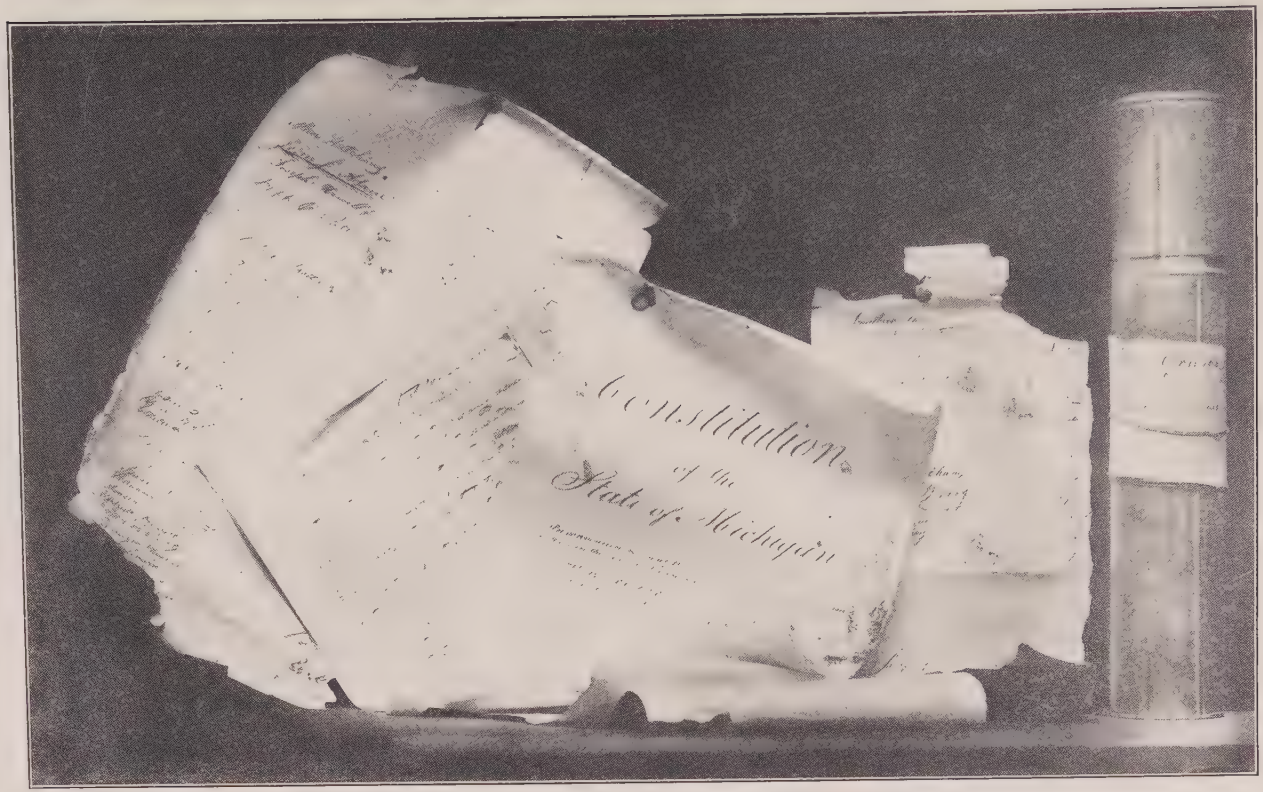
Council, in penalizing the attempt to exercise a foreign jurisdiction within the limits of the Territory, was within the power of the Council, and had the binding force of law until annulled by Act of Congress. "In any prosecutions which may be instituted, there is danger that forcible resistance may be made to the due execution of process," proceeds the opinion. In that case, said the Attorney General, "contingencies may occur which would demand the active interposition of the President." To avert these contingencies, the Attorney General gave direction to the thought that the President might have recourse to persuasion and remonstrance with Ohio "until some act shall be committed on their part, involving a practical violation of the Constitution or laws of the United States," while it was pointed out that the execution of the laws of the Territory of Michigan could in a measure be controlled by superseding the official, active for their enforcement, for one less zealous and energetic. Such a suggestion was quite extrinsic of executive duties in the premises, and was what John Quincy Adams styled the "perfume" of the thirty-five electoral votes of Ohio, Indiana and Illinois. The President evidently thought to try the powers of persuasion and remonstrance as the first palliative, and to this end on March 24 he named Richard Rush of Philadelphia and Benjamin C. Howard of Baltimore, both gentlemen of eminent abilities, as mediators between the contending parties. Acting Governor Mason received prompt notice of the action of the President as well as a copy of the opinion of the Attorney General. On April 2 he wrote Governor Lucas a respectful letter, assuring him that the people of Michigan would surrender no portion of their

DR. OLIVER C. COMSTOCK

Baptist minister, Chaplain to Congress, Superintendent Public Instruction for Michigan 1843-1845, Member of State Legislature in 1849.



JOHN J. ADAM
Member of first State Constitutional Convention. Member of the State Legislature 1839-41, and later held various State offices.



MICHIGAN STATE CONSTITUTION OF 1835 BEFORE RESTORATION
FOUND AMONG OLD "JUNK" IN METAL CANISTER IN THE CAPITOL.

rightful jurisdiction and added "I feel confident that you must personally know the character of the people of Michigan and will do them justice to believe that this determination has not been made from passion or without reflection." The letter likewise conveyed information as to the appointment of mediators by the President, and suggested that it was due to the country, to the President, and to the the parties themselves, that all operations should be suspended by Ohio until their arrival. This message was delivered to Governor Lucas by Colonels John Winder and Isaac S. Rowland, special messengers, but the irascible Governor made no reply, other than to verbally inform the messengers that Ohio would accept no mediation, as her course was determined and that he had written the President the true statement of the situation which he had no doubt would induce the United States Government to desist from any interference in the controversy. But the commissioners were near at hand; by traveling night and day they were enabled to reach Toledo on the 3rd of April. In diplomatic fashion, they at once set about the performance of their mission. The results they achieved were anything but satisfactory. They found Acting Governor Mason willing to give assurance of peaceful conduct so long as the authorities of Ohio kept out of the disputed territory; but when they sought to persuade Governor Lucas to be satisfied with such action as his State had already taken and to leave the question to the final determination of Congress, they were met with his firm refusal. He was insistent that the "Harris line" should be re-marked as the northern boundary of the State.

Reluctantly the commissioners returned to Acting Gov-

ernor Mason, to say what they had hoped not to be obliged to say, that the President desired the non-enforcement of the Territorial Act of February 12. The intimation was couched in the most diplomatic language, but it brought a most prompt and spirited answer from the young Acting Governor, who characterized the proposition of using the removing power to prevent the enforcement of the law as an "act of executive usurpation and tyranny which would place every department of the government within the despotic control of a single officer." Mason was a great admirer of the President, and it was not without some effort that he took a position in opposition to what he believed was his desire. On April 18 he wrote General Cass saying: "I owe much to General Jackson, and it pains me to think I may be adopting a course of policy contrary to his wishes" but his letter made it plain that if the President deemed it imprudent to carry out the views of Messrs. Rush and Howard, it would be necessary for another to be appointed to his place; in which event, said he, "I will submit to my fate without a murmur, and indeed even be satisfied with the result." It soon became evident that as long as he remained Acting Governor, the law would be rigorously enforced. Governor Lucas disbanded his army, but the commissioners and surveyors made ready to re-mark the Harris line; while the local officials, elected under Ohio laws, qualified for the discharge of their official functions. The authorities of Monroe County were soon on the ground armed with warrants and backed with a numerous *posse,* and such Ohio officials as did not betake themselves to the south of the Fulton line were promptly marched off to jail. The commission-

ers and surveyors were proceeding eastward from the northwest corner of Ohio on the Harris line and were allowed to get well within the County of Lenawee when Under-Sheriff William McNair appeared upon the scene accompanied with a *posse* approaching the size of a company of militia. Nine of the party were placed under arrest and taken to Tecumseh to answer the complaints against them. The three commissioners and the surveyor found safety in flight; and someone of the Michigan party, to increase their speed, fired a gun above their heads, which had every effect that could have been desired. The arrival of this party at Perrysburg with a tale of hair-breadth escape was the cause of intense excitement throughout Ohio. The President, upon the complaint of Governor Lucas, called for a report of the proceeding, which in time was made by Under-Sheriff McNair. He denied that he was accompanied by the militia, and concluded by saying, "I am also happy to inform your Excellency that the commissioners made good time on foot through the cotton-wood swamp and arrived safe at Perrysburg the next morning, with nothing more serious than the loss of hats, and their clothing, like Governor Morey's breeches, without the patch."

Of the parties arrested, two were discharged, six admitted to bail and one, Colonel Fletcher, refusing to give bail, was committed to the custody of the Sheriff, it being claimed at the time that he acted under instructions of Governor Lucas so that it might be claimed to the citizens of Ohio that their brethren were languishing in the jails of Michigan.

The news of the arrest of the surveying party, supplemented in Ohio with all the details of a murderous attack,

even with the slow means of communication, soon spread over the country, and in the communities most interested the greatest of excitement prevailed. Messrs. Rush and Howard sharing in the belief that civil war was imminent, renewed their efforts for a pacific adjustment of the difficulty that should preserve the public peace until the assembling of Congress when the matter could again be submitted to its deliberation.

The terms proposed by the commissioners to Governor Lucas were:

1. That the pending prosecutions under the Act of February 12, 1835 should be discharged and discontinued.
2. That no prosecutions should be commenced.
3. That Harris' line should be run and re-marked by the authorities of Ohio without interruption from those of Michigan.
4. That no forcible opposition be made by the authorities of Ohio or Michigan to the exercise of jurisdiction by the other upon the disputed territory within the time specified; the citizens residing upon the territory in question resorting to one jurisdiction or the other, as they might prefer.

As would be expected, Governor Lucas was willing to accept this proposition. The first three propositions conceded to Ohio all that she should claim, while the fourth proposition granted to that State a concurrent jurisdiction in the Territory, where, under existing conditions, she was unable to support one. For the very reasons that the proposals were acceptable to Governor Lucas

and the people of Ohio, they were highly unacceptable to the people of Michigan and Acting Governor Mason, who styled the terms "dishonorable and disreputable." He was willing to withdraw all opposition to the re-marking of the Harris line, and the Constitutional Convention then in session on June 1 received from a committee of which John Norvell was chairman, a resolution expressive of that position and the famous "Appeal from the Convention to the People of the United States," elaborately presenting the claims and arguments of the Territory upon the question of the southern boundary.

Governor Lucas now called a special session of the Ohio Assembly which convened on the 18th of June. An intimation from the President to the effect that he "might find it necessary to interfere with the power of the United States, if Ohio persisted in running the line with an armed escort" had rendered the old Governor just a little uncertain of his ground, and to the Assembly he sent the correspondence with special recommendations. The Assembly proceeded to create the county of Lucas, including Toledo in its limits and made provisions for the meeting of the Court of Common Pleas at that place on the 7th of the following September and for the election of county officers in October. It voted to abide by the proposals of Messrs. Rush and Howard on condition that the General Government would compel Michigan to do the same; but evidently distrusting Michigan's acquiescence in a scheme that required all the sacrifice to be made by her and giving all the benefits to Ohio, it enacted a law against kidnappers, designed to offset the Michigan law against the exercise of foreign jurisdiction. It likewise appropriated $300,000, subject

to the discretion of the Governor, with which to maintain the supremacy of their laws in the disputed territory. The calling of this special session of the Assembly did not tend to the quieting of the apprehension which existed both at home and at Washington, and Governor Lucas found it expedient to send commissioners to Washington to assert his own pacific intentions. Ohio soon began to carry out the proposed concurrent jurisdiction: and Michigan began more rigorously to enforce the law against the exercise of foreign jurisdiction. Major Stickney was an ardent partisan of Ohio and as an officer under the laws of that State, he was placed under arrest and the story was long told of how refusing to walk, he was placed astride a horse while a stalwart Wolverine held on to either leg, tiring of which they finally tied his legs beneath the horse's body and thus brought him a captive to Monroe. About the same time the attempted arrest of Two Stickney, a son of Major Stickney, resulted in his stabbing the Deputy Sheriff, Joseph Wood. Two fled to Ohio, and when indicted by the grand jury of Monroe, Governor Lucas refused to deliver him on requisition, as he claimed that the offense was committed within the territorial limits of Ohio.

This affair was the occasion of renewed excitement, and on the 18th of July the Sheriff of Monroe with a *posse* of two hundred and fifty armed men proceeded to Toledo and placed eight officials under arrest; while others made haste for Perrysburg, where Ohio's jurisdiction was more efficiently maintained, if not so vehemently proclaimed as at Toledo. Letters from the Secretary of State at Washington now persuaded Acting Governor Mason to convene the Territorial Council and lay

the proposals of Messrs. Rush and Howard before that body. It assembled on August 17 and as promptly rejected the proposals as had the Acting Governor. The people were now looking forward to the approaching 7th of September when the Ohio Court of Common Pleas was to convene for its first session in the newly formed county of Lucas. Rumors of military preparations on the part of Ohio to sustain the Court were soon rife at Detroit and only aroused the people to a more firm determination to uphold their own jurisdiction and to prevent what to them was the insolence of power.

CHAPTER IX

The Constitution of 1835

FOLLOWING the death of Governor Porter, the position of Governor was never filled. Henry D. Gilpin of Pennsylvania was nominated by the President for the place; but there was at the time a breach between the President and the Senate growing out of the removal of the public deposits from the United States Bank, and as Mr. Gilpin at the time of that difficulty was United States Attorney of Pennsylvania, some of his acts in connection with the matter made him obnoxious to the Senate and his nomination was rejected. There were many politicians ambitious for the appointment, and perhaps their very number was a factor in no one's being appointed and young Mason's being left as the executive head of the Territory.

During the winter of 1834-5 General John T. Mason had been in Washington in frequent conference with the President and other gentlemen connected with the administration. In early March he was in Cincinnati ready to take the first boat that would bear him to New Orleans on another journey to distant Mexico. With him this time was the wife and mother whose failing health had made it expedient that she seek new scenes and a change of climate. While the father was yet at Cincinnati, the son wrote him frequently for advice and counsel in the boundary controversy, both as to the legal principles involved and the policy to be pursued. The father

answered in letters filled with helpful suggestions always counseling moderation in the means to be employed and firmness in the manner of execution. At this time the Territorial governorship was still undecided and among those who were being urged upon the attention of the President from the Territory were Colonel Mack, at that time Marshal of the Territory, and young Mason. The father in writing of the subject made use of observations that find application to many a case in this day as well as to the particular case to which they were addressed. "I must repeat," wrote the father, "the maxim 'Save me from my friends, I can take care of my enemies.' Your friends from various motives, and some very interested, urged you upon the President, and placed him in a very embarrassing attitude. He was doubtful of the propriety of nominating you on account of your age, and from apprehension of the Senate seizing hold of that pretext to reject you, which in my opinion they would have done in order to mortify the President, knowing his partiality and fondness for you." The father adverted at length to the advantages of his position as Secretary from which he could step into any position in the coming State government without feeling that he had been superseded by another. He also emphasized the desirability of professional success and the danger of losing sight of that attainment in the love of political preferment, and put in succinct form an observation that unhappily has been common in all history:

"Politics," said he, "are very fascinating, but altogether delusive; and I think a poor broken down politician the most miserable of society. Even one honorably retiring is soon forgotten, and he sickens from neglect.

I have seen so much of this unprofitable life that I look upon your course as full of hazards and disappointments, as that of every politician must be. But take care not to progress too rapidly and be not ambitious of promotion. When it comes regularly and unsought for, it has some stability and secures a foundation to build on."

"You stand infinitely higher as Secretary and Acting Governor," he concluded, "than if you were Governor because less is expected from you."

The sister, Emily Virginia, a belle of twenty years, was now the mistress of the house, entertaining the brother's guests and doing the honors of the home. Not a little of the brother's growing popularity in these days could be traced to the graces and accomplishments of this talented sister. She had just returned from a season at Washington, where she had found delight in the debates participated in by Webster, Clay, Calhoun and the other congressional celebrities of that day; and where to use her own language, "I came to know the lovely Madame Servier of the French Legation, Sir Charles Vaughan and Mr. Pakingham of the English Embassy and Mr. Calderon de la Barca, whose charming wife I found again in Paris and Madrid after many years."

No brother ever had a sister more loyal to his ambitions than did Tom Mason. She entered into the questions of politics with an interest that was almost personal, and many a document of his compiling gained in perspicuity from her criticism and suggestion, for she says, "I was always saying to Thomson, 'Use fewer words.'"

At the conclusion of the cholera outbreak of the year

previous, the good Father Kundig was persuaded by the Wayne County Board of Supervisors to remove the poor creatures that fortune had left under his charge, to the Wayne County Poorhouse, which was then approaching completion two miles out on the Gratiot road, and to likewise become the Superintendent of that institution, the first of its kind in the Territory. Under the fostering care of this kindhearted and esthetic priest, this abode of misery was transformed into a place of many charms. "We made it our frequent drive," wrote the sister Emily, "to take clothing and dainties to his sick poor, and obliged our beaux to buy the bouquets intended for us from his garden."

Political activities within the Territory had heretofore been largely individual in character; the most potent single influence being centered in the person of Hon. Lewis Cass whose sagacity, broad tolerance and strong personality had done much to win favor for the principles of the Democratic-Republican party; but as yet no strong central organization had arisen to give unity of effort in support of the principles of either party. However, the growth of population and the prospect of enlarged political responsibilities were now making such organizations both desirable and inevitable. Most of the offices of the Territory were filled with Democratic-Republicans, and they quite naturally took the initiative in the formation of an organization that would be in touch with the most distant parts of the Territory. A preliminary gathering at Detroit was followed by the first Territorial Convention, which assembled on the 29th and was continued to the 30th of January, 1835. At this Conven-

tion Democrats paid eloquent tribute "to the rights of freemen," selected the machinery of a central organization, and put it in motion.

The Whigs were prompt in following the example of their adversaries. They soon had a series of county meetings called at which later delegates were chosen and the Democrats roundly denounced for doing what the Whigs were themselves about to do, namely, hold a Territorial Convention and perfect a central organization. The Whig Territorial Convention was held on the 4th and 5th of March following, at which time after effecting their own organization they proceeded after the custom of the time to speak their mind through a series of resolutions, among which the following is not without interest:

"Resolved, That we have witnessed with regret the premature and unnecessary introduction into this Territory, by the officers and stipendiaries of the General Government, of a system of party organization in perfect subserviency to the plain of executive control in advance of our becoming a State, with no other object that we can perceive, than to secure the selfish nomination of political managers and to entail upon the future State of Michigan the perpetual control of party discipline and party leaders."

The political forces were thus marshaled for the April election when delegates to the Constitutional Convention were to be chosen. The Whig press from the first had taken the position that the calling of the Convention was wholly without warrant of legal authority and consequently the Whigs entered the contest with the handicap of a lack of enthusiasm added to a normal majority

against them. The Democrats on the other hand were enthusiastic for the convention program and succeeded in electing a large majority of the delegates. On the 11th of May the Convention assembled at the Capitol, the largest representative body that had ever assembled in the history of the Territory. The personnel of the Convention was of a high order. Among the names of the delegates are seen those of many men who became well known in State and Nation, among them Edward Mundy, Randolph Manning, John S. Barry, John Norvell, John R. Williams, William Woodbridge, John Biddle, Robert McClelland, Ross Wilkins, Isaac E. Crary, and Lucius Lyon, while the names of two score more of those who achieved lesser fame could be given whose abilities were in no measure second to their most distinguished colleagues. Although the Democrats, as has been said, strongly predominated in its membership, the Convention, organized by selecting John Biddle, a Whig in politics, as its president, and Charles W. Whipple and Marshall J. Bacon were chosen as secretaries. On the 13th, on motion of Edward D. Ellis of Monroe, the president appointed a committee of nineteen to prepare the draft of a Constitution. When this committee convened, it was beset with the same difficulty that had confronted the full Convention; and so it was that Ellis, the chairman, Townsend E. Gidley, and two or three others, secretly met and prepared the draft of a Constitution which was accepted by the whole committee and presented to the Convention on the 19th. That body in the meantime, having formally organized, selected its various committees and spent considerable time in discussing the advisability of opening the daily session with prayer, a

proposition that was at once defeated by a vote of 43 to 42, but ultimately was adopted by a vote of 45 to 37. The work of the Convention from day to day was animated and earnest, but the journal discloses that the Convention was not without members who had evolved ideas both quaint and curious, which they desired to incorporate in the Constitution of their State, such as prohibiting all ministers of the gospel from holding office; prohibiting the collection of debts by process of law; making all debts, debts of honor, etc. William Woodbridge was at the same time the most active of what might be termed the opposition members of the Convention. Isaac Crary of Marshall was chairman of the committee on education, and from his hand came the draft of the constitutional provisions which were the basis of the excellent school system of the State.

The cherished provision of Acting Governor Mason, abolishing imprisonment for debt, was lost by a vote of 43 to 37, while a provision offered by Woodbridge, evidently with more intent to forestall the ambitions of young Mason than to accomplish any general good, to the effect that no man should be eligible to the office of Governor who had not reached the age of thirty years, was defeated by a vote of 59 to 19.

The question of most bitter contest in the Convention involved the proposition of the elective franchise. Michigan had but recently become the home of many people of foreign birth who had not yet become citizens of the United States. Such immigrants were almost wholly from England, Ireland and Scotland. They had been allowed to vote for members of the Convention, which was considered no innovation, as the Ordinance of 1787

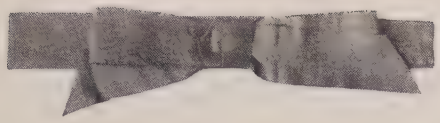
had not required voters to be citizens. There were many who believed that they should be given the right of franchise in the new government, as they had enjoyed it in the old; but there was perhaps a stronger reason for the contest than any other question of principle. The British immigrant was inclined to the principles of the Democratic or Republican party as opposed to those of the Whig party, and therefore his cause was championed by the one and opposed by the other. The original draft of the Constitution had contained restrictive provisions on the right of franchise and numerous amendments had already been proposed, when with the purpose of reconciling divergent views a secret meeting was called for the evening of May 26 at the home of John Norvell. At the time appointed John Norvell, Isaac Crary, Ross Wilkins, John McDonnell and John J. Adam attended as did also Acting Governor Mason, who was far from a disinterested observer of the proceedings of the Convention, and who attended by invitation of the other gentlemen to give his views on the question in controversy. After extended discussion, it was Mason who suggested the proposition in the form in which it went into the Constitution, that is, giving the rights of an elector "to every white male citizen above the age of twenty-one years, having resided in the State six months next preceding any election" and "to every white male inhabitant of the age aforesaid who may be a resident of this State at the time of the signing of this Constitution." These suggestions were finally accepted and it was agreed that both Norvell and Wilkins should withdraw amendments which they had pending and that all should stand for the amendment embodied in Mason's sugges-

tions which was accordingly done. This action awoke the vigorous opposition of the Whig press, and William Woodbridge. Michael Dousman, Bela Chapman and Townsend E. Gidley on June 4 had their solemn protest against the provision entered in the journal of the Convention.

At about this time the Secretary of War, Lewis Cass, was the guest of his old home, and on June 2 presented to the forthcoming State through its Convention a seal which he had had engraved for the purpose. The pictorial design was undoubtedly suggested by the design of the seal of the old Northwest Fur Company, while the inscription, "Si Quaeris Peninsulam Amoenam Circumspice" (If you would see a beautiful peninsula look around you) was unquestionably suggested by the concluding words of the inscription in St. Paul's Cathedral, to the memory of Sir Christopher Wren, its great designer and builder, "Lector, si monumentum quaeris, circumspice" (Reader, if thou seekest his monument, look around).

Perhaps quite as important in the estimate of the Convention at the time as the shaping of the Constitution itself was the preparation and adoption of a report of a committee of which John Norvell was chairman which was given the title of "The Appeal by the Convention of Michigan to the people of the United States." It was a document of 176 pages designed to give the President and Congress full information of the issue involved in the boundary controversy and to likewise serve as an appeal to the moral sense of the nation.

The Convention adjourned without day June 24, having been in session thirty-eight days. The law creating



Constitution,

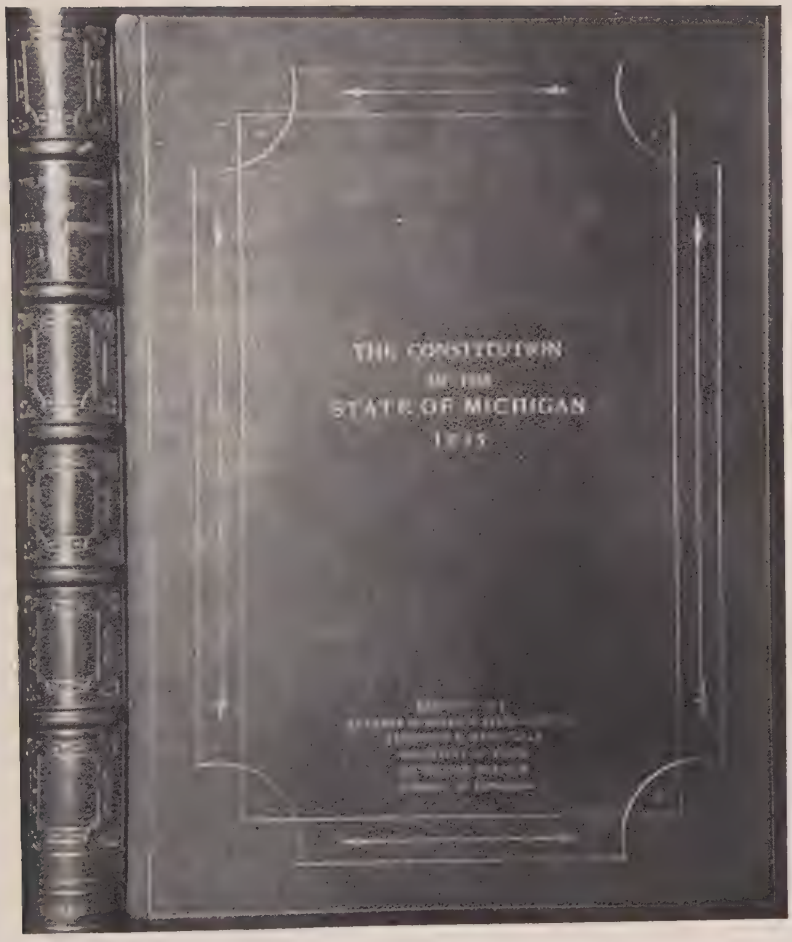
of the

State of Michigan.

In convention, begun at the city of Detroit on the second monday of May, in the year one thousand eight hundred and thirty five.

We, the people of the territory of Michigan, as established by act of Congress of the thirtieth day of January, in the year one thousand eight hundred and five, in conformity to the fifth article of the ordinance, providing for the government of the territory of the United States North West of the River Ohio, believing that the time has arrived when our present political condition ought to cease, and the right of self government be asserted, and in virtue of that provision of the aforesaid ordinance of the Congress of the United States of the thirteenth day of July, one thousand seven hundred and eighty seven, and the acts of Congress passed in accordance therewith, which entitle us to admission into the Union upon a condition which has been fulfilled, do, by our delegates in convention assembled, mutually agree to form ourselves into a free and independent State, by the style and title of the State of Michigan, and to unite and establish the following constitution for the government of the same.

FIRST PAGE OF THE MICHIGAN STATE CONSTITUTION OF 1835 AFTER RESTORATION



THE RESTORED ORIGINAL COPY OF THE MICHIGAN STATE CONSTITUTION OF 1835, IN THE OFFICE OF THE SECRETARY OF STATE, LANSING.

THE FIRST STATE ELECTION IN DETROIT. "TOM MASON" IN THE FOREGROUND

From a painting in Detroit Art Museum.

the Convention had left the question of compensation to the discretion of the Convention, and the members modestly voted themselves three dollars per day and three dollars for each twenty miles traveled by each member in coming to and returning from the seat of government. The completion of the Convention's work was signalized at the capital by the boom of cannon and by a display of fireworks in the evening; but evidently all were not pleased, for the leading Whig journal of the Territory said editorially, "If such a Constitution so manifestly repugnant to the safety of the Union and to the spirit of our National compact shall receive the sanction of Congress, then may our country with all her glorious institutions be soon numbered with those unhappy Republics 'whose glory has departed.' "

Aside from the fact that the Constitution gave the right of voting to all free adult white male inhabitants who were residents of Michigan, as heretofore stated, the instrument contained no peculiar political features. It contained the usual bill of rights; legislative power was vested in a Senate and House of Representatives, the latter to contain never more than one hundred nor less than forty-eight members and the former in number always to be composed as near as might be of one-third the membership of the House. Executive power was vested in the Governor, or Governor and Senate, with a veto power in the former over the acts of the Legislature. The judiciary was to consist of one Supreme Court and such other courts as the Legislature might from time to time establish; except that express provision was made for probate courts and justices of the peace. The Governor and Lieutenant Governor were

each elected for terms of two years. State officers were made appointive by the Governor to be confirmed by the Senate except the State Treasurer who was to be selected by the two houses in joint session, while the Superintendent of Public Instruction was to be chosen by the two houses in joint session on the nomination of the Governor. County and township officers, both judicial and ministerial, were made elective.

State officers were subject to impeachment for criminal and corrupt conduct; and in case of judicial officers where the misconduct was not such as to support impeachment, they were to be removed by the Governor upon the address of two-thirds of each branch of the Legislature.

Slavery and involuntary servitude were forbidden, except as punishment for crime, of which the party had been duly convicted. Acts of incorporation required the assent of at least two-thirds of each house of the Legislature. Lotteries were forbidden, as was the granting of divorce by the Legislature. The prevailing opinion on the subject of internal improvements was emphasized by a provision enjoining it as a duty on the Legislature "as soon as may be, to make provision by law for ascertaining the proper objects of improvement in relation to roads, canals, and navigable waters."

Judge James V. Campbell, whose name will ever stand well towards the top among the names of Michigan jurists, has paid the Constitution of 1835 the highest compliment by saying that it "was very simple and very much better adapted to the changing necessities of a growing State than the present one. While it restrained such abuses as it thought would be dangerous, it left the Legislature broad discretion. All who have had much to

do with studying and construing the two instruments, have discovered that, while a few restrictions concerning finances and internal improvements have been found beneficial and necessary, the bulk of the special legislation contained in the Constitution of 1850 has been a hindrance, and not an advantage."

By the schedule of the Constitution, the instrument was to be submitted for ratification or rejection of the people on the first Monday of October next ensuing and on the succeeding day, at which time there was to be elected a Governor, Lieutenant Governor, members of the State Legislature and a representative in the Congress of the United States. The Legislature was to meet on the first of November following, and the Governor and Lieutenant Governor were to hold their respective offices until January 1, 1838.

Politics had as yet caused no division in public sentiment in the Territory on the boundary question. Partisans of all shades of political belief had found common ground in the issue presented by the controversy; but the Whig press, while supporting the main proposition, was grudging in its commendation of the men and means by which it was forwarded. When the Acting Governor sent his message to the special session of the Council on the 17th of August, one of the leading Whig papers paid it the compliment of being "on the whole a very tolerable production," and then proceeded to intimate that because of its excellence it must have been the production of another than the Executive. The Constitutional Convention and the Constitution produced were likewise either actively opposed or "damned by faint praise" by the press of the opposition, although an overwhelming

sentiment for statehood compelled support of the main issue.

Stevens T. Mason was now the popular idol of the Territory, and it was anything but gratifying to those who had ridiculed, slandered and maligned him to see that his popularity was based upon a continuing course of prudent official conduct, and that circumstances were now conspiring to place him at the head of the affairs of the forthcoming State.

The situation in Michigan was not without embarrassing features for the President and his administration. The proposed State had every lawful and Constitutional claim for admission. Her population, already much more than sufficient, was daily growing from an almost continuous stream of homeseekers from the East. The most prominent lawyers in Congress had already declared the subject of the southern boundary to be a question for the courts rather than for Congress. The Attorney General had given it as his opinion that the Territorial Executive was within his rights, and consequently within his duty in the enforcement of laws of the Territory, among which was the law forbidding the exercise of foreign jurisdiction. But the assertion of these claimed rights by Michigan in all their detail meant the humiliation of Ohio, with a precedent to be used against the States of Indiana and Illinois. Expediency therefore dictated that the matter be adjusted by Congress, and until that should be done, Michigan should be the one to yield. To this end the administration was desirous that in some manner the Territorial law against foreign jurisdiction should be nullified. Mason had made it clear that he would use neither his power to remove officials nor a

sweeping pardoning power to consummate that end, and so the repeal of the law was next attempted. Although Governor Lucas later charged that the Secretary of War, Lewis Cass, had used his position and influence against the interests of Ohio, nothing could have been farther from the truth. As early as the 9th of May, Secretary Cass wrote Acting Governor Mason a letter which he said had "been seen and approved by the President," in which while he styled the proceedings instituted by Ohio to obtain forcible possession of what he believed to be part of Michigan as "among the most unjustifiable executive and legislative acts which have taken place in our country during my time," he yet advised but the mildest opposition on the part of Michigan, and closed with the admonition that Mason, as Chief Executive of the Territory would "temper the firmness of the community with a due share of moderation." On the 18th he suggested the propriety of having the Constitutional Convention repeal or suspend the Act of February 12, and cited precedents to support the propositions of its power in the premises. The Convention having adjourned without taking the desired action, the proposition was later urged by General Cass as the proper action to be taken by the Council at its special session. In this communication which was of the 18th of August, the intimation was conveyed to Acting Governor Mason that while "the President feels as friendly as a father to you, I judge he thinks himself committed to supersede you, if the Act of February is enforced."

But the sentiment of the people was beyond the control of any one man and Stevens T. Mason was too wise to

attempt that control to suit the expediency of the national administration; much less was he to be influenced by intimations of his removal from official station. The action of Acting Governor Mason and the authorities of the Territory had been and continued to be in keeping with the principles of men of spirit. In the language of the illustrious Campbell, they had done "no more than every civilized government is bound to do, when her peaceable possession under the law of the land is suddenly invaded." When Acting Governor Mason advised the Secretary of State that he had convened the Territorial Council for the 17th of August, he closed with a sentiment worthy to be the guiding principle of every man in official position. "While I will endeavor to discharge my duty faithfully as a public officer of the General Government," said he, "I feel that I am not to forget that I have the rights of a high minded and patriotic people committed to my hands. Those rights are not to be hazarded until the people themselves cease to value them."

On the 20th of August, while the Council was yet in session, a Convention of the Democratic-Republican party assembled in the village of Ann Arbor to nominate State officers and a member of Congress under the proposed Constitution. The Convention was large and representative, the citizens of the Territory of the dominant party assembled with enthusiasm to exercise what they considered to be their new-born political rights. The result of the deliberations of the Convention was the nomination of Stevens T. Mason for Governor, Edward Mundy of Ann Arbor for Lieutenant Governor and Isaac

Crary of Marshall for member of Congress. Four days later a committee of the Convention delivered to the gubernatorial nominee the following notification:

"Detroit, August 24th, 1835

"Sir:

"At a convention of the Democratic-Republicans of Michigan, assembled at the village of Ann Arbor on the twentieth instant, for the purpose of nominating a Governor, Lieutenant Governor and member of Congress, you received the vote of that body, as the candidate of the Democratic party for the office of Governor; and the undersigned have been appointed a committee to advise you of the nomination and to request your acceptance of the same.

"In discharging the duty reposed on us by the Convention, we avail ourselves of the occasion to assure you that the utmost of harmony and unanimity prevailed; the undivided vote of the Convention having been expressed in favor of your nomination.

"It may not be regarded as exceeding the power with which we are clothed for us to express to you the great satisfaction we derive in being able to state that your official conduct generally, and especially the wisdom, energy and prudence displayed by you in resisting the efforts of a powerful State to strip Michigan of a portion of her soil, has met with the unqualified approval of the members of the Convention and of those whom they represent.

"The undersigned are happy in being made the medium of communicating to you, Sir, this expression

of the confidence of your fellow citizens, and indulge the hope that you will accept the proffered nomination.

"We have the honor to be

"Sir

"Very Respectfully

"Your Ob. Servants

"CHARLES W. WHIPPLE
"C. K. QUEEN
"E. N. BRIDGES
"J. S. HEATH
"E. P. GARDNER
"E. CONVIS
"G. P. BUCKLEY
"O. D. RICHARDSON

"Hon.

"Stevens T. Mason"

On August 28 Governor Mason addressed to the committee a brief and simple letter of acceptance. Adverting to the fact of his having been elevated to a position of public responsibility in early life, he said, "I should have shrunk from the undertaking had I not been sustained by the hope, that by a determined adherence to the interests of the public whenever committed to my charge, I should in time remove all preconceived prejudices and ultimately obtain the confidence of my fellow citizens. To accomplish this, has been the highest object of my ambition. Your letter assures me I have done so, and it affords me the richest reward I could have desired."

The letter closes with the simple statement that, "If elected to the responsible office to which I have been

nominated, all I dare promise is, that I will endeavor to discharge its duties with fidelity to the public. But whatever may be the fate of my nomination, I shall ever remember with feelings of gratitude the obligations I owe to the Republican party of the Territory of Michigan."

The Ohio Act creating the county of Lucas had fixed September 7 as the date for holding the Court of Common Pleas at Toledo and the date was now near at hand. There was grim determination in Michigan that Ohio should neither hold the court or exercise any other act of jurisdiction within the contested territory. These facts were reviewed with not a little apprehension at Washington, especially when it was learned at the Capitol that the Council had refused to suspend the act of February 12 or to accede to the compromise proposed by Messrs. Rush and Howard. The President was now forced to show a strong hand to Ohio or to weaken the resistance of Michigan, and he chose to weaken Michigan. A Governor would have been appointed long before but for the fact that the office could not be filled by a recess appointment. There was no course left but to supersede the Acting Governor, and this was done on the 29th by the appointment of Mr. Charles Shaler of Pittsburg, Pennsylvania as Secretary of the Territory. On the same date a letter was addressed to Acting Governor Mason by Hon. John Forsyth, Secretary of State, apprising him of his removal and informing him that the President had been "brought with regret to the conclusion that your zeal for what you deem the rights of Michigan has overcome that spirit of moderation and forbearance which in the present irritated state of feel-

ing prevailing in Ohio and Michigan is necessary to the preservation of the public peace."

General Cass at the same time hurried forward a letter to Mason in which he sought to make the removal acceptable, if not pleasurable, assuring him that he had taken the pains to see that the matter was set right in *The Globe,* which at that time was the recognized organ of the administration.

But Michigan and her young "Hotspur Governor," as Jackson is said to have referred to Mason, were already moving the militia towards Toledo with the serious purpose of putting their previously expressed declarations into active execution.

The interval of years that separate us from the days of 1835 gives a touch of humor to the last "campaign" of the Toledo war that it did not have at the time when the actors were thoroughly in earnest. The Ohio militia was expected to arrive at Perrysburg on the evening of Saturday, the 5th of September, prepared to give support to the Ohio authorities in organizing and holding the court on the following Monday. Pursuant to the orders of Brigadier-General Joseph Brown, the Michigan troops were preparing to oppose it, Governor Mason was at Monroe upon the third and there is an element of firmness in his letter to his aide, Colonel Isaac S. Rowland, of that date, in which he says: "Have all the ammunition forwarded by tomorrow's boat. Do not forget the six pounder. We have balls here." By Sunday, the 6th, about one thousand officers and men were quartered in and about Toledo, ready and anxious for the fray. On the south side of the Maumee were stationed the invading forces less in number and not at all anxious to invade.

Neither officers nor men were anxious to force a contest that had every aspect of seriousness, and so the Ohio authorities resolved to be satisfied with the form of jurisdiction in view of the difficulties of obtaining the sustance. As the hour of midnight approached, a small body of horsemen rode out from Perrysburg towards Toledo. It was the judge and the officers of the proposed court with their escort. In the quiet of the night they stealthily entered the sleeping village and before the hour of three o'clock the court had been organized and adjourned and the clerk had written the meager record by the fitful glare of a tallow dip. To celebrate their achievement they repaired to a friendly tavern and were about to drink a bumper to the occasion, when a wag rushed in and broke the startling intelligence that the Michigan troops were apprised of their presence and were then close at hand. It is said that the company made a mad rush for their horses and rode away with a precipitancy that indicated that speed was more to be desired than either valor or judicial dignity. For some four days the Michigan "boys" camped on the plains about Toledo quite unconscious of the fact that the court they sought had come and gone. In the meantime, Mr. Shaler of Pittsburg declined the appointment to the secretaryship. He evidently found little to attract him in an office whose tenure would terminate in a few months at the longest, and in which he would be expected to perform a service at once disagreeable to himself and odious to the people among whom he would be required to live. It was not until the 8th of September that the President was able to confer the office upon a gentleman willing to serve in a position so ill rewarded with profit

and honors. On this date the appointment was given to Mr. John Scott Horner of Warrenton, Virginia, who at once started for the city of Detroit taking with him the letters of the Government of the 29th of August to Governor Mason apprising him of his dismissal from office.

Governor Mason and the Michigan militia were still at Toledo when the letter of General Cass bearing condolence to the Governor arrived at Detroit ahead of the notice of dismissal from the Government. A swift courier hurried forward with the message and delivered it into the Governor's hand as the troops are said to have been going through the evolution of a dress parade. Calling an orderly, the Governor gave the bridle rein into his hand and in a few words announced to the troops that he was no longer the Commander-in-Chief. General Brown at once issued orders for the disbanding of the troops. The war was over even if peace had not been declared. To the infinite relief of the citizens of Toledo, especially to such as were the violent partisans of Ohio, the troops took their departure. The Governor and his staff, with many of the troops from the counties of Wayne and Oakland, took passage by the steamer Brady for Detroit. It was the 10th of September, the anniversary of the battle of Lake Erie, which was celebrated by many a speech, and many a toast drank within the cabin where small companies of privates sang by relays during the journey.

Although there was serious purpose back of the expedition to Toledo and had a force attempted to take forcible possession of the territory there would undoubtedly have been scenes of bloodshed and disaster, and although the

people abated none of their resistance to the claims of Ohio, they soon caught the humor of the situation. Songs were sung of how

> "Old Lucas gave his orders all for to hold a court,
> But Stevens Thomson Mason he thought he'd have some sport;
> He called upon the Wolverines and asked them for to go
> To meet the rebel Lucas, his court to overthrow."

and every community that sent a company to the "front" was enlivened by jokes and stories told by the wags at the expense of their more sedate companions, General Brown having at times to bear the designation of the "Modern Caesar," while of a surgeon attached to the Ypsilanti company it was claimed that one night he was discovered sitting up in his sleep tearing his shirt into bandages. Major Stickney had been one of the most active in the furtherance of Ohio's cause, and during the short stay at Toledo the Michigan boys found much delight, contrary to the command of their officers, in teasing the worthy Major either by "sampling his honey," stealing his ducks, or "drafting his potato vines to make volunteers of the bottoms." The stories of such doings were long remembered by the depredators as well as by the embittered Major, although his feelings were perhaps somewhat mollified and his loyalty to Ohio increased by an Act of the Legislature of that State which granted him ample compensation for the damages he had sustained.

The removal of Acting Governor Mason, as might be expected, only tended to increase his popularity and prestige. Many people of the Territory felt that he had been punished because he had championed their interest, and the friends and neighbors of his home city, through

a very representative committee, tendered him a public dinner at the Mansion House for the afternoon of Wednesday, the 16th of September; the invitation reciting that it was extended on behalf "of a large number of the citizens of Detroit desirous of testifying their high sense of gratitude" to him for carrying out their wishes in relation to the Ohio controversy and for the "able and satisfactory manner in which he had discharged his office since his appointment. Of more value to Stevens T. Mason than the present honor which the invitation carried, was the fact that appended to it were the names of men who had been loud in their protests against him when a few years before he had assumed his official station, the name of David C. McKinstry who had been chairman of the meeting of remonstration now heading the list in his praise.

The dinner was in keeping with the style and sumptuousness of the old days. It was a large gathering of the business and political elements of the community, and many a toast was responded to with wit and eloquence. When Mr. Mason, as the Ex-Secretary, responded he spoke at length upon the conditions which had led to his removal, charging the Hon. John Forsyth, Secretary of State, with being the controlling influence in the policy that was caressing Ohio to the detriment of Michigan. This address, which found its way into the public press, brought a hot retort from the Honorable Secretary and a still hotter rejoinder from the deposed Acting Governor. On the 19th of September, Mr. Horner, the new Secretary, arrived to take charge of affairs and soon thereafter Mr. Mason took his departure for Washington on a political mission connected with the, as he

hoped, forthcoming State. On the 5th of October he was an invited guest and speaker at the banquet in honor of the old family friend, Richard M. Johnson, which was tendered him in New York at Tammany Hall, it being the anniversary of the battle of the Thames in which he had taken so conspicuous a part. On the same day and the day following, the people of Michigan adopted the Constitution submitted for their approval and elected Stevens T. Mason to the governorship, Edward Mundy to be Lieutenant Governor, and Isaac Crary to be the State's first representative in the National Congress.

The Constitution was adopted by a vote of 6,299 to 1,359, a total vote on the proposition of 7,658. One gets an idea of the limits of population at the time by knowing that of the votes cast, 3,227 of the affirmative and 974 of the negative were cast in the counties of Wayne, Washtenaw, and Oakland, while of the balance, 2,474 of the affirmative and 286 of the negative were from the counties of St. Clair, Macomb, Monroe, Lenawee, Hillsdale, St. Joseph, Cass, Berrien and Calhoun. The combined counties of Clinton, Ionia, Kent and Ottawa contributed but 90 votes, six only being in the negative.

The Whigs had made no nomination for officers under the Constitution, the tone of their press seeming to be one of distrust of the power and authority of the people of the Territory to set up a State government without first having obtained from Congress authority to do so. It was quite evident, however, that their criticisms arose more from the fact that the Democratic party had taken the initiative in the actions criticised than from any convictions on the subject. Of the votes cast for the governorship, Stevens T. Mason received 7,508. Scatter-

ing votes were given to several gentlemen. Mr. John Biddle who had been placed in nomination by a body of citizens who styled themselves Independent Republicans of Oakland County received 814 votes, which was more than the number received by all others. At this time members of the Legislature were likewise chosen in pursuance with the provisions of the schedule to the Constitution, which had provided for the selection of a Senate of sixteen and a House of forty-nine members pending legislation on the subject under the Constitution when the Legislature should assemble.

Wisconsin and the country to the westward was still a part of Michigan Territory, but the people of the peninsula were doing all in their power to facilitate her advance to the rank of an independent Territory to escape the complications of a dual government. The Legislative Council at its special session in August had made provision for receiving the vote of the electors of the new counties that had been created, as a congressional delegate was to be elected in October. It was the program of the Democratic-Republican party that the delegate should be selected from the country west of Lake Michigan so that when Michigan was admitted as a State the delegate would be a resident of the Territory he represented. In pursuance of this plan the Democratic-Republicans of the peninsula allowed their nomination to be made by their brethren to the west who selected George W. Jones of Mineral Point, Wisconsin. The Whigs, with nothing to lose through complications, especially as they had had very little to do with bringing them about, nominated as their candidate William Woodbridge of Detroit. The early returns from the election

OLD CAPITOL AT DETROIT
Built in 1823-28. Used by the State Legislature until 1847.

GOV. STEVENS T. MASON
From oil painting in University of Michigan.

JOHN S. HORNER

Appointed by President Jackson Secretary and Acting Governor of Michigan Territory 1835. Driven to Wisconsin by citizens of Michigan.

seemed to show a majority for Woodbridge, and that gentleman at once became insistent that he be given the certificate of election, which he finally obtained. The arrival of delayed returns from the west disclosed that Jones and not Woodbridge had the majority, and a second certificate was issued and Mr. Jones allowed to assume his seat without contest.

CHAPTER X

A Sovereign State Out of the Union

JOHN SCOTT HORNER was nearly nine years the senior of the young Secretary whom he superseded, having been born December 4, 1802. He had graduated from Washington College in the class of 1819, had acquired some reputation in his profession as a lawyer, and was possessed of abilities which, had he come among the people of Michigan under more happy conditions, would have gained for him a position of respect and influence. It was the misfortune of Mr. Horner to be cast among the people of Michigan under circumstances that gave each an unworthy estimate of the other. The people quite naturally looked upon Mr. Horner as embodying a purpose to reverse a policy that, aside from the antagonisms of party politics, had been eminently satisfactory to the people at large. Had the task of reversing this policy been intrusted to a man known to the people for his integrity and judgment, or to one who approached the difficulties of the situation with tact and at least a show of desire to enter into the aspirations of the community, it is possible that the one so entrusted would have gained the confidence of the people. But, either through natural inclination or through consciousness of the hostility of the community, Mr. Horner from the first assumed a peremptory and assertive manner, little calculated to modify preconceived opinions. Mr. Horner arrived at Detroit on the 19th of September. The same night he wrote to Mr. Forsyth, Secretary of State, say-

ing: "Late this evening I called on Mr. Mason, to whom I delivered the communication from the Department." As the letter proceeds, it discloses a temperament ill suited to induce conciliation. "On Monday morning next," it proceeds, "I contemplate taking charge of the Territorial government, and should have insisted on it this evening had the emergency made it necessary."

The first week of the new Secretary's sojourn was so uneventful that he might well have believed all troubles to be passed; and indeed so it might have proven had he been content to abide the course of events, but conscious of his mission, he soon issued pardons for all offenders against the act of February 12, except Two Stickney. He wrote to the Secretary of State on September 28 of such contemplated action, disclosing that he was not entirely unaware of the results that might be anticipated, for he says, "I fear, however, it will be unsavory to some extent." It was soon apparent, however, that the "extent" was much beyond his anticipations. The act confirmed in the minds of the people the belief that his only purpose was to further the interests of Ohio in the controversy then pending. At a meeting at the Detroit City Hall, Mr. Horner appeared and addressed the people. It may be assumed that the address was neither tactful nor conciliatory, for the assemblage at the conclusion of the speech proceeded to organize and adopt resolutions of a deprecatory nature, one of which was as follows:

"*Resolved,* That if our present Secretary of the Territory should find it beyond his control, either from the nature of his instructions, his feelings of tenderness to those who had for a long period of time set at defiance

as well the laws of the Territory as those of the United States, or any feelings of delicacy entertained towards the Executive of a neighboring State, who have in vain endeavored to take forcible possession of a part of our Territory, to enable him to properly carry into effect the existing laws of this Territory, it is to be hoped he will relinquish the duties of his office, and return to the land of his nativity."

Emboldened by these proceedings the officials of the putative County of Lucas began the exercise of official functions. The result was that the Sheriff of Monroe with the *posse* of the county were soon upon the ground and the ambitious officers were soon pulled from their official pedestals and started for the Monroe County jail. That "the views of the government," as Mr. Horner expressed it, might be carried out, he hurried to the scene of difficulty where he was subjected to an experience that, to say the least, was unique in the annals of government, and as a matter of reminiscence is not wanting in an element of humor, especially when we contrast the report of what transpired as subsequently reported in the Wheeling (Virginia) *Gazette,* a paper friendly to Mr. Horner, and that gentleman's own letter to the Secretary of State. The *Gazette,* after detailing that Mr. Horner had gone to Michigan after Messrs. Rush and Howard "had utterly failed to make an impression upon the semi-barbarians whom they went out to pacify and subdue, and immediately after another distinguished citizen, Judge Shaler had declined the appointment," proceeded to relate how the valiant Horner had gone among the excited Wolverines at Monroe and from a stump had made a speech "which turned the lion of their nature into the

gentleness of the lamb." Mr. Horner in his letter to the Secretary of State on October 19 gives a somewhat different view of the matter, for he says, "My condition was this: at Monroe the seat of strife, amidst a wild and dangerous population, without any aid, a friend, servant, or bed to sleep in, in the midst of a mob excited by the enemies of the administration and bad men, I could not enlist a friend as an officer of the Territory. How was my authority to be enforced or the government in my hands respected under the circumstances? A design was formed against my honor and my life. The district attorney had the effrontery and timidity to say that if he acted, the mob would throw him and myself into the river."

In another place he says: "I tried conciliation, entreaty, appeals to their patriotism, indeed every resort but force which I should not have been able to obtain had I desired it," and he adds, "There never was a government in Christendom with such officers, civil and military, and filled with such doctrines as Michigan." For more than a week Mr. Horner was at Monroe and Tecumseh, where the Lenawee court was in session. He issued pardons and placed them in the hands of attorneys for the persons charged under the February Act. When the pardons were pleaded, it was the complaint of the Secretary that the judge at Monroe held the papers in all such cases under the pretense of *curia vult advisore;* and that when he urged the prosecuting attorney to *enter nolle pro sequis* in the cases he adds that "all his advice and even persuasion were entirely lost."

In one letter Mr. Horner mentions that the district attorney, Mr. James Q. Adams of Monroe, tendered his

resignation, which "I would have accepted," adds he "but no counselor in Michigan would accept the office in either court, for the obvious reason that every man is looking forward to office under the new government on the first day of November next."

At last the people wearied of the excitement, and quiet once more obtained. Mr. Horner, "the views of the government effected," now returned to Detroit. While on his homeward journey he stopped for the night at Ypsilanti, where the rough element gathered and when the respectable portion of the community were abed, pelted his lodging place with stones and other missiles, treating the distinguished occupant to the indignity of an old-time charivari. The people generally deprecated such conduct, and the Whig papers seized upon the occurrence as one of the direct results of Democratic precepts and practices.

At Detroit, Mr. Horner was accorded the courtesies due his character and station. Here his talented and agreeable wife, the bride of a year, did much in a social way to remove what otherwise might have been political estrangements. Although he continued at Detroit the sole surviving embodiment of the Territorial government, his official activities were quite solitary. In November the Ohio Commissioner re-marked the Harris line without molestation and peace reigned in the valley of the Maumee. Mr. Horner communicated the successful completion of this work to the department, with the further intelligence that he anticipated no complications with the new State government. He did not recognize the State government, with which all the people were doing business, as existing, and when, on November 13,

a resolution was introduced in the House of the Michigan Legislature expressive of regret for the treatment accorded the Acting Governor in certain parts of the State, the consideration of the resolution was promptly and indefinitely postponed by a vote of 31 to 5. In May, 1836, Mr. Horner removed to the new Territory of Wisconsin of which he became the Secretary. Here he founded the city of Ripon, where he died, February 3, 1883. In his new environment, he became a forceful and helpful character, his long life being identified in many ways with the upbuilding of the great State of Wisconsin.

On Monday, the second day of November, 1835, the newly elected Legislature assembled and the State government went into operation. The Governor was sworn into office, and on the day following he delivered to the Legislature and people assembled a short but impressive inaugural address. Seldom or never in the succeeding years of the State history has there been enacted within its borders a scene of more contemplative interest than the doings of this November day. Although simple in ceremony, there were doings full of the ideas of consummation and of prophecy. The peninsula of Michigan, although first to feel the press of the foot of Europeans, was destined to be next to the last of the regions of the great Northwest to come into the realization of sovereign power as a State of the Union. Within sight of the very building where the representatives of the people were now assembled, the Lilies of France and the Cross of St. George had each in their time waved as the emblems of authority. In the assemblage were many who had suffered the trials and hardships of the war 1812, and who knew from intimate relation of the prior contests in the

great cause of liberty by which the sovereignty of their soil had been transferred from race to race and from government to government. All were pioneers in whom the elements of hope and courage were full and strong. There was a singular appropriateness, to the minds of many, in the fact that the youthful commonwealth had selected for its chief executive a man who had demonstrated his power and capabilities and who yet had life before him. Certain it was, that as Stevens T. Mason ascended the canopied rostrum of the old capitol to deliver his inaugural, he typified the new State, whose destinies, in a measure, had been committed to his keeping. In his lineage were generations of worthy honor, while his presence bespoke a confidence of the present and an abiding hope in the future. He was now but four days past his twenty-fourth birthday. His face was singularly strong and handsome; his eyes in animation seemed to change from gray to brown, while from a forehead broad and high was brushed at times in seeming aimless fashion a mass of wavy dark brown hair; the blush of youth was in his cheeks, and the vigor of young years was disclosed in the alert and active movement of his well-nourished frame, which on this occasion was clad in the close-fitting lace-trimmed evening dress of the old days. In a full rounded voice which had the charm of persuasion, if it lacked the command of eloquence, he proceeded to express his appreciation and gratitude for the distinguished honor that had been conferred upon him by saying:

"Summoned by the general voice of my fellow citizens to the station of chief executive magistrate of the State of Michigan, it is with feelings which language is inade-

quate to express, that I embrace the occasion to convey to them my cordial thanks for the distinguished testimony of their approbation and confidence. If, under ordinary circumstances, the suffrages of this enlightened people had confided to me the exercise of the important and responsible functions of the first office in their gift, the sensibilities awakened by so signal a favor could only have found vent in the silent overflowing of the heart. But to have realized the honor thus bestowed upon me by them, at a time when a blow had been received from another source, to which it would not become me to refer in a spirit of dissatisfaction, adds to the lively and deep sense of gratitude, which I will cease to cherish towards them only with the expiring pulsations of life. The emotions with which these reflections oppress my mind are greatly enhanced by the anxiety induced by a sincere consciousness that the cares before me are above my ability, and that in venturing upon them, I have consulted my capacity less, probably, than the impulses of a premature ambition. But if the hazardous task has been undertaken without a sufficiently rigid scrutiny into the qualifications requisite for its satisfactory performance, I derive consolation from the reflection that the deficiencies of the executive will be amply supplied by the talents, the rectitude and patriotism of the coordinate branches of the State government. These with the intelligence and virtue of the people, afford the surest pledges that the foundations of the policy of this new and rising State will be laid in the immutable principles of morality, justice and benevolence; and that, in its legislation, a comprehensive and correct view will at all times be taken, of the various interests embraced within

its range. To these sources then, I look with confidence for that direction and support which may bear us triumphantly through the difficulties and embarrassments incident to the new positions in which we are placed."

The address proceeds to discuss in general terms the merits of the Constitution which the people by their suffrages had approved; the delicate relation which by reason of the continuance of the Territorial authority now existed between the State and National government, whose difficulties, he predicted, would "readily disappear before the light of examination and precedent and that a course of forbearance and respect to the rights and powers of others will smooth our advancement to the high destiny before us."

He recommended the choosing of the senators to represent the State in the National Congress, and the enactment of authority to fill vacancies in local offices whose powers and authority had been carried over into the new government until superseded by legislative enactment. "All other interests," said he, "which come within the province of legislation, for the advancement of the happiness and prosperity of our beloved State, may perhaps, be safely and judiciously postponed to a future, yet not distant day." He said in conclusion:

"It remains, fellow citizens, that faithful to ourselves and to our rights and liberties, we frequently supplicate that Divine Being who holds in His hands the chain of events and the destiny of States, to enlighten our minds, guide our councils, and prosper our measures so that whatever we may do shall result in the welfare and tranquility of the people of Michigan, and shall secure to us the friendship and approbation of the nation."

The policy of doing little in the way of legislation, so as to avoid collision between State and Federal authority, as recommended in the Governor's address, was a policy that the Governor may have taken from the councils of others, for it was known to be the desire of the President; and a week after the session had convened, General Cass, writing to the Governor, took occasion to say, "You know the President's views. They remain the same. Try and have as little legislation as possible, so as to avoid all collision. This should be a cardinal object."

The Legislature as constituted by the schedule of the Constitution provided for a House of forty-eight members and a Senate of sixteen members. The House upon completing its organization proceeded to the election of Ezra Convis of Calhoun County as speaker, and George R. Griswold of Detroit as clerk. Mr. Convis had been a resident of Michigan since 1832, a Vermonter by birth and for many years a resident of Chautauqua County, New York, where he had received the rank of General in the State troops. He was re-elected to the Legislature of 1832, when he was again chosen speaker of the House. He died suddenly in 1838 and was long remembered as a man of commanding abilities and force of character.

Edward Mundy, by virtue of his office as Lieutenant Governor, became President of the Senate, while John J. Adam of Lenawee was chosen Secretary, a position he filled during two subsequent sessions. Both gentlemen were men of more than ordinary attainments, Mundy having graduated from Rutgers College, New Jersey,

his native State, in the class of 1812, while Adam was a graduate of Glasgow College, Scotland, in the class of 1826, he emigrating to America in the same year.

The Legislature had a large Democratic-Republican majority in both its branches, and when the two Houses convened on the 10th of November for the nomination of candidates for the United States Senate, the House cast forty-seven votes for Lucius Lyon for the long term, while for the short term, twenty-seven votes were for John Norvell and twenty for John Biddle. In the Senate Lucius Lyon received the total sixteen votes, while on the first ballot for the short term Biddle received eight votes and Norvell eight. On the third ballot, the vote stood ten for Biddle and six for Norvell. When we remember that John Biddle was made President of the Constitutional Convention and that the votes he received for United States Senator were cast in greater number by men of an opposing political faith, it bespeaks his great popularity and personal worth. In the joint convention, John Norvell received thirty-five votes and John Biddle twenty-eight, Lucius Lyon and John Norvell thus became the first members from Michigan in the national Senate.

The Legislature, at the time, agreeable to the recommendation of the Governor, did little in the way of legislation. Even the Governor made but one of the appointments he was empowered to make under the Constitution, that of Secretary of State, to which position he appointed Kintzing Pritchette, his nomination being confirmed by the Senate on the thirteenth, on which day they likewise chose John S. Barry President pro tempore. John S. Barry's long and distinguished service to Mich-

igan makes little more than the mention of his name necessary to show the high character of the selection. A few bills of minor importance were passed and on November 14th an adjournment was taken to February 1st ensuing, by which time it was believed the State would be admitted to the full employment of all the rights and privileges of a sovereign State in the Federal Union.

With the approaching days of winter came the recurrence of those social gaities which have ever been among the most delightful subjects of reminiscence connected with the history of the old capitol. The social graces had ever claimed many votaries at Detroit and they were now increased rather than diminished by the changing incidents of commerce and politics. The population had increased sufficiently to greatly enlarge the social circle, but not sufficiently to change the costumes which were the charm of the social functions in which the people found delight.

The Mason household was now again united, the father and mother having returned by way of New York in the early autumn. The first poignant sorrow at the loss of loved ones had passed away for the time, and Christian resignation had wrought for this family circle what it does for all. Entertainment and hospitality was again the order of the Mason home. From vagrant sources, old letters, stray newspapers, and the memory of an occasional octogenarian, we catch glimpses of the simple but wholesome social pleasures of the period; of the house parties where the evening hours were spent in simple games and blitheful conversation; of the balls where belles and beaux executed the quadrille, the schottische and the stately minuet; of the holiday festivities and

especially New Year's day when the leading gentlemen of the community, always including the members of the bar, in faultless evening dress made the round of the homes of their friends and associates to extend and receive a word of friendly greeting. The New Year's of 1836 was made especially memorable by the fact that its festivities began with the Governor's reception at the American Hotel, where in the spacious hallway the genial Tom, his sweet faced mother, the charming sisters and the ubiquitous Charles Whipple stood in line to greet with honest friendship the assembled friends and neighbors. With the increase of duties and responsibilities, Governor Mason entered less into the social features of the community than from his years and temperament he would otherwise have been tempted to do; but neither duties nor responsibilities prematurely imposed took the jovial, youthful spirit from his nature. Major W. C. Ransom has given us a story of the Governor that is more or less characteristic. It was in the early winter of 1835 when, in the language of the narrator, the Governor "chanced to be down by the Detroit River, where a number of rollicking boys were coasting in a jumper down the steep banks for a slide on the smooth ice beyond. The Governor, inspired by the spirit of the occasion, sought and obtained the high honor of piloting the frail craft for a model trip. Down sat the Governor, on piled the boys, and, with a whoop and a cheer, they started on their swift career. Now, unfortunately for the success of their voyage, it happened that a Canuck huckster and wife with pony and pung were just winding their way to market along the road that threaded the foot of the river bank. Down went

Governor and jumper, on came Canuck and pony, and before either were fully aware of the situation, there was a crash, a smash, and a wreck. Disastrous to executive dignity, the Canuck came on top, and, in the twinkling of an eye, sent His Excellency spinning, head first, into a snow-drift a dozen feet away."

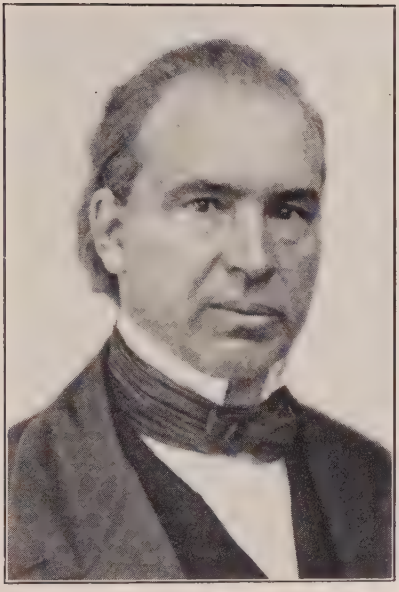
Although by no means an enthusiastic sportsman, the Governor at infrequent intervals, found relaxation in the company of a few companions who sought the pleasures of the chase in the forests which could be found in almost any direction in less than a day's travel, and it was the statement of his friends that the crack of his rifle quite as often brought down the quarry as did the shots from the weapons of more experienced sportsmen. As a horseman, the Governor was far less indifferent, and in this regard he was of a mind with his sister Emily. Each loved a good horse and not infrequently they could be seen returning from a ride beside the beautiful Detroit River, sitting upon their steeds after the manner of accomplished horsemen.

But the Governor derived his greatest pleasure from the problems and associations that were furnished by questions of state and the exigencies of politics. He was an eager student of the government and institutions of the country and of the biographies of the men who had been important factors in their development and progress. General Cass was frequently procuring and forwarding to him from Washington the documents and debates of previous times, especially such as related to the Northwest and the admission of the various States since the adoption of the Federal Constitution. These he carefully studied, as his messages and addresses

clearly indicate. But his interest in political subjects was not confined to their historical and philosophical phases. He was not long in learning that government and politics have a practical as well as a philosophical side, and he was frequently among the gatherings of gentlemen which on occasions assembled at "Coon" Ten Eyck's Tavern, where campaigns were planned and policies of state matured, while the bonds of friendship were strengthened in many an act of good fellowship.

Congress convened on the 7th of December, 1835, and from thenceforth the questions of the southern boundary of Michigan and the admission of the State were inseparably connected.

Lucius Lyon and John Norvell were already in Washington ready to assume their senatorial duties, as was Isaac Crary to take up his labors as a member of the House of Representatives. All were hopeful and expectant for the speedy admission of the State. The President and others high in authority, gave encouragement to the belief that it would be but a matter of a few weeks at the longest before Congress would pass the appropriate Act to extend the laws of the United States over Michigan. On December 9, the President sent a message to Congress accompanied with a copy of the Constitution adopted by the people of Michigan and such other documents as were necessary to make complete the record of their right to admission. Almost immediately the prospects of statehood became less promising. On December 13, Lucius Lyon, who but a few days before had written his Michigan friends that they might expect admission by February, wrote that "It is doubtful whether we shall not be delayed until June next, perhaps longer."



JOHN S. BARRY

Member of the Constitutional Convention of 1835. Member of the first and subsequent State Legislatures. Governor of Michigan 1842-46.

ALPHEUS FELCH
Member of first State Legislature and Democratic Governor of Michigan 1846-47.

DETROIT HOME OF GOV. STEVENS T. MASON

It was No. 303 Jefferson avenue, between Beaubien and St. Antoine streets. Twenty-five or more years ago the third story was added to the building.

A presidential election was now near at hand. Each of the great parties was maneuvering for political advantage and the boundary controversy gave to both Whig and Democrat the opportunity to court the electoral support of Ohio. While the question of the boundary was the main issue in the contest, it was complicated with other questions whose importance were no doubt magnified for effect upon the main proposition. As with the admission of every other State in those days, so with Michigan; the slave power complicated it with the admission of a slave State to balance its political influence in Congress, Arkansas being the State with which Michigan was paired in the fortunes of admission. The liberal franchise provision that had brought a protest from the Whigs in the Constitutional Convention was seized upon by the opposition in Congress, who urged it as an impediment that should require the convening of a second Constitutional Convention and the framing of a new Constitution, a program that was much desired by many of the leading Whigs of the new State. But these matters were of secondary consideration and would have been readily adjusted, but for the question of boundary. There is some reason to believe that Congress would have willingly disposed of the boundary question so as to have left it to the decision of the judiciary, had the proposed Constitution of Michigan been so framed as to facilitate such action without at the same time antagonizing the States of Ohio, Indiana and Illinois. But the makers of the Michigan Constitution had been positive and definite, where it would have served their purpose better to have been in a measure indefinite. Had they made the southern boundary, the northern boundaries of

the States of Ohio and Indiana, the question of where such northern boundaries were might have been left open; but, as if determined to hold what they considered their own, they had fixed in positive terms the southern boundary at a line running due east and west through the southerly bend or extreme of Lake Michigan. This needlessly antagonized Indiana and Illinois, for it could not be said that their northern limits were irrevocably fixed, while Congress was being asked, in effect, to declare that the Ordinance line was their true northern boundaries. Whatever might have been urged against the claims of these States at the times of their admission, it was true that Congress had passed upon them, and for twenty years Michigan had slept upon her rights. No one should have expected a reversal of conditions so long established, and the result of raising the question was to array the delegations of both States in sympathetic accord with the purposes of Ohio, with no compensating benefits to Michigan. As in previous years, a bill for the admission of Michigan and one to settle the northern boundary of Ohio was given to the Judiciary Committee. For weeks the questions involved were contested in committees. All the arguments were reiterated and all the evidence produced anew. Select committees on the admission of both Michigan and Arkansas were appointed; and singly, and jointly with the Judiciary and Territorial committees of both Houses, they canvassed the situation with every outward appearance of a sincere desire to reach a decision that should be in accord with the legal rights of the parties. But long before the committees were ready to report, it was evident that

their deliberations were for little more than "outward appearances."

While there were many in Michigan who were saying, "The Toledo strip or nothing," there were a very few who were saying that if they could not get what they wanted they would take what they could get. Lucius Lyon was of this number. No man in the Territory had done better service for the southern boundary than he, but when he saw the inevitable, he sought to retrieve from the territory adjacent to Lake Superior.

The credit for obtaining the Upper Peninsula to Michigan has been accorded to Mr. Preston, of South Carolina; but, unquestionably, the honor in larger degree belongs to Lucius Lyon. As early as February 4, answering a suggestion of like import from Daniel Goodwin of Detroit he had said, that if Congress should break up the southern boundary, "I for one shall go in for all the country Congress will give us west of the Lakes." "If that doctrine is to prevail," he says later, "we will take advantage of it and let the 'Devil take the hindmost' as gamesters say." Two weeks later the proposition had taken such form that the Senator could say with a certain degree of assurance, that "the Committee will probably give us a strip of country along the south shore of Lake Superior, where we can raise our own Indians in all time to come and supply ourselves now and then with a little bear meat for delicacy." But this facetious statement was far from representing the Senator's true estimate of the value of the Upper Peninsula. Lewis Cass and Henry R. Schoolcraft, each of whom knew the upper country with a fairly intimate knowledge, were then in

Washington and there is reason to presume that the Senator availed himself of their more extensive information. At any rate three days after the Senator had written of the Upper Peninsula as a land of bears and Indians, he wrote to Colonel Andrew Mack of the possible accession, saying, "My opinion is that within twenty years the addition here proposed will be valued by Michigan at more than forty million of dollars, and that even after ten years the State would not think of selling it for that sum." On the same day he wrote to Hon. Charles C. Hascall, a member of the Michigan State Senate, saying, among other things, "This will give Michigan about twenty thousand square miles of land, together with three-fourths of the American shore of Lake Superior, which may at some future time be esteemed very valuable. A considerable tract of country between Lake Michigan and Lake Superior is known to be fertile and this, with the fisheries on Lake Superior and the copper mines, supposed to exist there, may hereafter be worth to us many millions of dollars."

In his view of the upper country, Lucius Lyon stood quite alone among Michigan statesmen. The people generally were watching the contest in Congress with unabated interest, and the proceedings and speeches on the question in that body found extended notice in the daily papers of Detroit. The great majority of the people of the putative State met every suggestion of seeking Territorial compensation on the Lake Superior shore, even when there was a reasonable certainty that Congress was going to yield to the claims of Ohio, with the most vigorous protest, as being in effect a compromise of the rights of Michigan. Senator John Norvell and Congressman

Isaac Crary both either partook of this sentiment or were influenced by it to the extent that they at first opposed any addition to the State in the region of the Upper Peninsula. Indeed, there seems to have been a general lack of harmony in the Michigan delegation on all subjects, Norvell and Crary being generally opposed to Lyon on the several questions arising from policies and appointments and the feeling thus engendered was soon communicated to the politicians at home. One of the offices that was much in quest was that of postmaster at Detroit, a position to be made vacant when Norvell should be admitted to the Senate. There were some six or seven patriotic aspirants for the office, with Sheldon McKnight, editor of the *Free Press,* in the lead, supported by Senator Lyon and opposed by every other candidate and his friends. The method pursued to thwart the realization of McKnight's ambition gives an insight into the bitter political spirit of the time. Some time before, McKnight had had a personal altercation with a man by the name of Avery whom he was said to have struck with his open hand, the man dying soon thereafter from causes which there seems to have been no reason to believe were connected with the blow he had received from McKnight. No action was taken in the matter until McKnight became the leading candidate for the position of postmaster, when certain of his personal political enemies obtained control of the grand jury, DeGarmo Jones a leading Whig politician being foreman and Benjamin B. Kercheval an opposition Democrat being secretary; when, to the surprise of McKnight as well as the community, he was indicted for manslaughter. The news was at once hurried to Washington to stop McKnight's

appointment. Lyon came to his aid with the statement that it was "undoubtedly a cool-blooded, black-hearted attempt to prostrate and ruin him and through him to injure his friends." If such it was, it failed in its purpose, for a speedy trial brought McKnight an acquittal, and his appointment and confirmation followed.

There was likewise lack of agreement in the Michigan delegation on who should be favored with appointment to the judiciary, the State Legislature not yet having attempted to set up a judiciary under State authority.

With these conditions existing, it was to be expected that when Senator Lyon suggested the propriety of obtaining an extension of territory to the northwest, there would be those ready to charge him with bartering away the rights of Michigan for a "mess of pottage," even though he was acting with a clear discernment of inevitable results. Lyon foresaw that Michigan was to lose; for, as a little later he wrote his friend Austin E. Wing, "An honest man after looking on here a month or two would laugh at himself for having ever supposed that the merits of a question like this could have anything to do with the decision of Congress upon it."

On the 1st of March, the Committee of the Senate, and a day later the Committee of the House, made reports on the boundary question which confirmed every fear that the people of Michigan had entertained. Ohio was conceded her full demands. The news of this action was speedily transmitted to Detroit, where a considerable excitement at once followed. A public meeting was at once called, which assembled on the evening of March 8. The veteran Colonel Andrew Mack was chosen president, John S. Barry and General John Stockton vice-presi-

dents, and Jacob M. Howard and George B. Martin secretaries. Stirring addresses were made by John Biddle and Benjamin F. H. Witherell. A numerous committee was appointed to solicit signatures to a memorial against the proposed congressional action; while lengthy resolutions were adopted to the effect that, "the people of Michigan have given to no man or body of men authority to alter by bargain or compromise the boundaries to which they have uniformly asserted a right;" asserting that the evils of the proposed legislation were not "to be remedied by attaching to Michigan any extent, however great, of the sterile region on the shores of Lake Superior, destined by soil and climate to remain forever a wilderness."

For weeks the controversy in one form or another was before Congress. Thomas Benton in the Senate and John Quincy Adams in the House led the fight for Michigan, but their efforts, although masterly and vigorous, were of no avail when urged against the exigencies of politics. At times it seemed that even if the State obtained admission, it would be without the addition of the Upper Peninsula, and as week succeeded week with no result, even Senator Lyon at times was persuaded that Congress would adjourn without providing for admission upon any terms; but the end was near at hand. On June 15, 1836, Acts for the admission of both Arkansas and Michigan were approved, Arkansas being admitted unconditionally, while the admission of Michigan was made to depend upon the assent of a duly elected convention to a change in boundary whereby the territory in dispute was given to Ohio while compensation was given upon the north by fixing the boundary between Michigan

and Wisconsin in that region by a line drawn through Green Bay, the Menominee River, Lake of the Desert, and Montreal River. The news of this action, although no surprise to the people of Michigan, was anything but agreeable to them. There were loud cries of tyranny and oppression. Much eloquence was expended and ink wasted upon the desirability of the State's remaining out of the Union rather than to enter it "mutilated, humbled and degraded." Few men had made more effort to retain the disputed territory to Michigan than had Governor Mason; but now, realizing that they were defeated he took no part in the campaign of denunciation which followed, although his declarations were not such as to drive from him friends who had followed his lead, but were now less inclined than he to acknowledge the wisdom of submission. His influence, nevertheless, was discreetly used in favor of accepting the terms imposed, a position the wisdom of which was to be demonstrated in the development of future years and the details in the attainment of which were to form another chapter in the history of the commonwealth.

CHAPTER XI

Organizing the State Government

ON February 1, 1836, the Legislature convened pursuant to adjournment. The members had separated on the 14th of the previous November hopeful, if not confident, that upon their reconvening it would be as members of a State within the Federal Union. In this they were destined to disappointment and they were far from one mind as to the proper course to pursue. A conservative element more or less closely allied with men in touch with the Federal administration were in favor of again adjourning to await congressional action. The more radical element were for proceeding with the regular course of legislative procedure. The Legislature having convened, the two houses at once met in joint assembly and the Governor delivered his message. It was a document prepared with much care and deliberation. As it was intended for the perusal of Congress as well as to guide a coordinate branch of the State government, more than one-half of the space it filled was devoted to a review and discussion of the historical and legal phases of the boundary and statehood questions then uppermost in the public mind. It was a strong presentation of Michigan's side of the controversy, but was diplomatically prefaced by a sentence no doubt intended to render the vigor of his argument more palatable to Congress: "We can but believe," said he, "the motives which may govern that distinguished assemblage of American citizens, the Congress of the United States, in

the decision they may arrive at, will be pure and patriotic; neither ought we to doubt but that that decision when made, will be favorable to our interests and rights."

Amid the arguments of the message, the reader meets passages that may well stand as guides in the science of government. The following are interesting examples: "A viligant regard for our rights should teach us that power once surrendered is seldom, if ever recovered, and that although exercised with forbearance at first, it may become ultimately oppressive."

"The essence of freedom is self-government. Of no rights should the people be so tenacious as those which are political."

"The confidence of the people is the greatest security by which the government can act. It rests for its support upon their affections, not their fears; its strength is moral, not physical."

On the several questions of the internal policy of the State, his views were set forth with characteristic clearness and vigor. The interest of the people in the question of internal improvement had increased rather than diminished since the days when the subject had received attention in the communications which Governor Porter had made to the Legislative Council. The impression has sometimes been conveyed that the financial crisis through which the State passed during the years of its early history was the outgrowth of policies matured and exploited by the Governor, especially with respect to its experience with schemes of internal improvements and banking institutions. That the Governor partook of the general ambition of the people is true; but a perusal of

his message clearly indicates that he had a purpose to carefully limit and prescribe the State's activities to safe and beneficial projects. On the general subject of internal improvements, the Governor said:

"The natural advantages of Michigan for the purposes of commerce and agriculture are not exceeded by any State in the Union, and too much of your attention cannot be bestowed in maturing a prudent and judicious system of legislation for the development of those resources of wealth. The Constitution enjoins upon the Legislature the encouragement of this branch of our State policy; and it is made their duty 'as soon as may be to make provisions by law for ascertaining the proper objects of improvement in relation to roads, canals, and navigable waters.' The spirit and enterprise, which has arisen among our citizens, if fostered and encouraged by the State, cannot fail to lead to lasting prosperity. Your liberal legislation should embrace within its range every section of the State. No local prejudice or attachment should misdirect the equal liberality with which you should guard the interest of your constituents. The wealth of the State must be composed of the individual wealth of its citizens, and in this respect no portion of them are independent of the other.

"In obedience to the constitutional provision, which requires you to provide for an equal systematic and economical application of the funds that may be appropriated to objects of internal improvement, I would suggest for your consideration the propriety of the appointment of a competent Engineer, Commissioner or Board of Commissioners, as may be most conducive to the end contemplated, whose duties shall be regulated by law, and

who shall be required at each session of the Legislature to report the result of such investigation as may have been previously directed. The appointment of the first named officer would probably meet the object in view, and would certainly prove most economical, as his duties might be diversified as the interests of the State should require. Through this medium, the most desirable and practicable works of internal improvement will be brought before the Legislature, matured for their action, preventing the hasty undertaking of useless, if not impracticable projects, and directing the energies and resources of the state in such channels as will be productive of the greatest good to the greatest number of our fellow citizens."

Attention was directed to the necessity of at once procuring grants of public lands from the National Government to the State which he predicted "will afford a fund ample to give effect to our plans of internal improvement," thus indicating that he neither contemplated or recommended schemes as extensive as those upon which the State subsequently embarked.

Likewise as to the railroads being then projected in the State, it was not the opinion of the Governor that the State should become the sole owner and proprietor of its railroads, but that the State should become interested as a stockholder, that it might be in position to obtain information and able to exert a measure of control that otherwise might be denied it. "While it is the duty of the Legislature," said the Governor, "to afford every aid in their power to facilitate the construction of these important works, it is also desirable that they should never be beyond at least the partial control of the State.

So important is their construction to the permanent interest and prosperity of the State, that I would recommend the passage of a law, authorizing a subscription in behalf of the State, to a large amount of the capital stock vested in the companies which have these roads in the progress of completion."

As we shall see, this policy was not the one which the Legislature pursued, although many who have given much thought to the subject have expressed the belief that it would have been a wise and beneficial policy to have followed. The message reflected its author's well-known views on the subject of corporations; he closed his reflections on the subject by saying, "It is a question in my mind whether corporate powers should ever be extended to associations in ordinary trade. That branch of industry may be considered most thriving when left free to individual enterprise."

His recommendations as to banks of issue left little to be desired in the way of statement of the fundamental principles that should govern their organization and limit their operations. On the subject of banks he said:

"In all cases of applications for charters for banking purposes, the most prudent care should be exhibited by the Legislature. It is a difficult point to arrive at in legislation on this subject, where the issue of paper as a circulating medium, will answer the convenience and demands of the public, without deranging the currency, and endangering the prosperity of the community for whose benefit it is intended. Gold and silver have by common consent been made the representatives of every species of property. Bank notes are but the representatives of gold and silver and derive their value from this

basis. Excessive issues of notes are calculated to engender over-trading in the community, drive the metallic basis from our country, and are apt in case of sudden emergencies in the money market to be attended with consequences disastrous to the public. In arriving at just conclusions on the subject, we need not consult the theories of political economists, but refer to the practical history of the country as it is presented before us."

This excerpt is quite sufficient proof that the Governor was not a believer in fiat money, and that so far as he was officially connected with the subsequent passage of the general banking law under which the ill-famed "wild cat" banks had an ephemeral existence, his error in approving the measure arose not from a misunderstanding of the true basis of sound finance, but from sharing in a general lack of knowledge as to the details necessary to maintain that basis.

Governor Mason had already evidenced his deep interest in the cause of general education. As yet there was not a free school within the Territorial limits of Michigan; but looking forward with an enthusiastic hope, the young Governor said of this important subject: "Ours is said to be a government founded on intelligence and morality, and no political axiom can be more beautifully true; here the rights of all are equal and the people themselves are the primary source of all power. Our institutions have leveled the artificial distinctions existing in the societies of other countries and have left open to everyone the avenues to distinction and honor. Public opinion directs the course which our government pursues; and so long as the people are enlightened, that direction will never be misgiven. It becomes then your imperious duty

to secure to the State a general diffusion of knowledge. This can in no wise be so certainly effected as by the perfect organization of a uniform and liberal system of common schools. Your attention is therefore called to the effectuation of a perfect school system, open to all classes, as the surest basis of public happiness and prosperity." He followed with recommendations as to the conservation of the lands derived from the General Government for the purposes of education; venturing the prophecy that with the careful husbanding of resources, the University of Michigan which as yet was little more than a contemplation, would become "an ornament and honor to the West." The dream of the young enthusiast has long since become a reality, and his sentiments for the great cause of education are worthy to be remembered.

Space in the message was likewise devoted to the State finances, the simplification of the judiciary, and the creation of a penitentiary system.

Even at this early date, the question of human slavery was raising its frowning front and threatening the peace and stability of the nation. The executives and legislatures of Southern States were transmitting to the authorities of the North protests and memorials against the pronouncements and activities of the parties demanding the abolition of this institution which they conceived to be purely of domestic concern. Taking notice of the frequent communications from Southern States, he expressed his sentiments in his message saying in part: "The Federal Constitution has left its regulations among the reserved rights of the States, and it cannot by any implication of power be delegated to the General Gov-

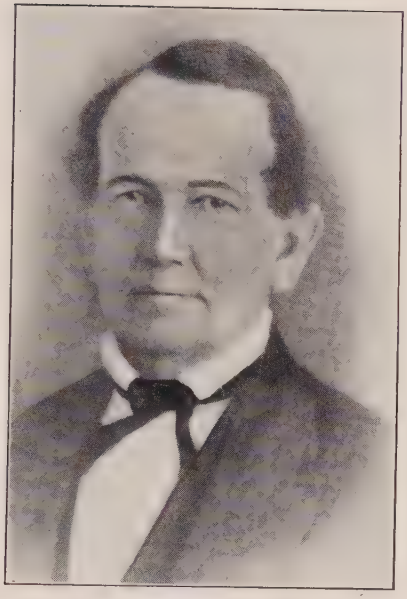
ernment. If slavery be a curse to the States in which it exists, time and their own experience will correct it; if a blessing, it is their right and cannot be taken from them. But in a government like ours, where public sentiment directs its course, it becomes the duty of the people through their representatives, to manifest their sentiments upon all questions of public interest, and more especially upon those which agitate and interrupt the tranquility of the country;" adding his appreciation of the seriousness of the question and its possible consequences by saying, "It is with this view, fellow citizens, that I call your attention to this alarming subject; a subject perhaps involving our permanent existence as a united Nation."

As a question of ethics, Governor Mason was known to be opposed to human slavery; but one catches a vein of hesitancy in the above that reflected the responsibility of official position. Much more might he have hesitated could he have discerned the future, have witnessed the realization of his fear, and seen his own blood and kindred upon the opposing sides in a war which staggered the Nation with the horrors of its strife.

The members of the Legislature were far from one mind as to the propriety of proceeding with general legislation until the State should be fully recognized as a member of the Federal Union. This was especially true of the members of the Senate, where John S. Barry led the conservative element, which desired an adjournment from time to time until Congress should have taken the desired action. Resolutions to that effect, to know the mind of the executive, and solemn protest, were all alike unavailing. The more radical element prevailed and the

MRS. DOROTHEA MASON WRIGHT, NEWARK, N. J.
Only child of Gov. Mason.

GOV. STEVENS T. MASON
Governor of Michigan 1835-1841.



EDWARD MUNDY
Member of the first Constitutional Convention and first Lieutenant Governor of Michigan.

Legislature proceeded to enact laws of general application to the State government. Acts were passed providing for the election of county officers; for the selection of presidential electors, and for members of the Legislature. The duties of the Auditor General and State Treasurer were defined, and the salaries of State officials fixed; the Governor being given an annual salary of two thousand dollars; the Secretary of State, eight hundred; Auditor General, two hundred; Attorney General, two hundred; and the State Treasurer, two hundred; all to be paid quarterly. The boundary controversy was still in evidence through the passage of an Act to pay the militia for "supporting the supremacy of the laws of Michigan at Toledo," which patriotic service by the report of a committee was found to involve the expenditure of the sum of $19,341.05. An act was also passed in the form of an offer on the part of Michigan to submit the question of boundary between Michigan and Indiana for the decision of the United States Supreme Court, an offer in which it is needless to say, Indiana never saw fit to co-operate. Governor Mason was also empowered to employ counsel to conduct the defense to the Supreme Court of the United States of one Lewis Brown, a collector of taxes in the township of Whiteford, Monroe County, who in the prosecution of the duties of his office within said township, but upon territory claimed to be within the jurisdiction of Ohio, had made distress upon the gray mare of one Jonathan H. Jerome for taxes due under the laws of Michigan; and who had been unceremoniously pounced upon by the constable and posse of the hated county of Lucas as he was about to sell the mare to the highest bidder and borne before a magistrate

at Maumee, and was later incarcerated for a space of twenty-four hours in the common goal at Perrysburg. But long before the journey of the case to the Supreme Court of the United States could be well started, Congress had made it apparent that it would be a proceeding devoid of both profit and honors.

The creation of a system of State courts was a question upon which the leaders had exhibited a considerable hesitancy; because, with State courts in operation, conflict between such courts and the Territorial courts operating under Federal authority would be inevitable, and this no one desired. The Legislature soon hit upon the expediency of enacting the required statutes, leaving it to the Governor to bring them into operation by the appointment of the judges, at a time when the danger of conflicting jurisdiction was removed. The Act to organize the Supreme Court and establish Circuit Courts and an Act to establish a Court of Chancery, were both approved on March 26, 1836. By the terms of the first Act, the Supreme Court was to be composed of three judges, the first named of whom was to be the Chief Justice. The State was divided into three circuits. The first circuit was composed of the counties of Wayne, Macomb, St. Clair, Lapeer, Michilimackinac, Chippewa, and the counties attached to such counties for judicial purposes. The second circuit comprised the counties of Monroe, Lenawee, Washtenaw, Oakland, Saginaw, Jackson, Hillsdale, and likewise the counties attached to such counties for judicial purposes; and the third circuit was formed from the counties of Branch, St. Joseph, Cass, Berrien, Kalamazoo, Allegan, Calhoun and Kent and the counties that had been attached to them for judicial pur-

poses. The judges were to be appointed for the term of seven years each and were to meet quarterly as a Supreme Court at Detroit, Ann Arbor and Kalamazoo. Provision was made for the election of two side or county judges in each county with terms of office of four years each. Two terms of court were to be held in each county yearly. One judge of the Supreme Court was to reside within each of the three circuits and was to be the presiding judge, sitting with the two side or associate judges in the several counties of his circuit. Provision was likewise made for justice and probate courts and methods of appeal provided from lower to higher jurisdiction. The chancery jurisdiction of the State was by the provisions of the Act before mentioned given into the charge of a Chancery Court to be presided over by a Chancellor, who was required to hold two terms of court yearly in each of the judicial circuits of the State. The Chancellor and Judges of the Supreme Court were prohibited from practicing in the courts of the State, and, with the exception of the Chief Justice, were granted salaries of fifteen hundred dollars each per year, the Chief Justice being granted one hundred dollars additional.

Upon the passage of the Act defining the duties of State Treasurer and Auditor General, the legislature in accordance with the constitutional provision met in joint convention and elected Levi Cook, former Territorial Treasurer, to the corresponding position under the State government. Mr. Cook declined the position, and the Legislature on March 1 elected Henry Howard of Detroit, who accepted the position and became the first State Treasurer, a position that he continued to hold until April 27, 1839. Governor Mason had likewise on the

23rd of February nominated Robert Abbott for the office of Auditor General. Two days later the Senate confirmed the nomination, and Mr. Abbott at once took up the duties under the State government which for a considerable time he had performed for the Territory.

While the Legislature at this session enacted many laws of a salutary character, and while none could be classed as either obstructive or vicious, yet there was considerable legislation that indicated ambitions entertained by the body of the people which a little later were to contribute to a period of panic and disaster. Hope and enthusiasm were in the ascendancy. The future seemed bright with promise; the wave of prosperity which had swept westward, raising as if by magic the proud commonwealths of Ohio, Indiana and Illinois, was now setting full and strong toward the country of the Great Lakes. The contagion of speculation was in the air, and the people sought eagerly for the vantage points from which to gather the increment which they reasoned would soon result from increasing population. Henry R. Schoolcraft, as a Commissioner of the General Government, was even then negotiating a treaty at Washington with the Ottawa and Chippewa nations of Indians, which, with the exception of a few reservations, was to extinguish the Indian title to the greater portion of the Lower Peninsula and as far west as the Chocolay River (about Marquette) in the Upper Peninsula. On March 31, Lucius Lyon, writing from Washington to the editors of the *Free Press,* took occasion to say, "Of the country purchased, about 4,000,000 acres extending from the Grand River north is known to be fine land for settlement, and within a very few years we shall no doubt see

towns springing up at the mouths of all the rivers flowing into Lake Michigan, for a hundred miles north, if not all around the Lower Peninsula. The Upper Peninsula is known to contain vast forests of the very best pine, which is even now much wanted in Ohio, Indiana and Illinois and the southern part of Michigan and Wisconsin, and must very shortly furnish the material of a highly valuable trade."

Governor Mason was not uninfluenced by the general spirit of elation which pervaded the community, and with characteristic energy set about spreading, in true American fashion, the news of the great opportunities that were awaiting home seekers in the new State of Michigan. The boundary dispute and the contest for admission were calling the attention of the Nation to the State, and the Governor supplemented their advertising by other of a more positive character in the newspapers of Albany and other cities of the East and by printed circulars which detailed in glowing terms the advantages of the country.

The enactments of the Legislature, the newspapers and the correspondence of the public men all show that the public at large were anxious to emulate Ohio and New York in works of internal improvement. As early as January 16, the settlers from the remote clearings of Cass and Berrien Counties gathered for a Canal meeting and other localities followed. "Railroads and canals will one day make one broad garden of Michigan" was the enthusiastic prophecy of the *Free Press* of March 23rd, a sentiment in which the papers of both political parties seemingly acquiesced. The Legislature, almost without division, enacted charters for banking institu-

tions bearing names which sufficiently designate their location, as the Bank of St. Clair, the Bank of Clinton, the Bank of Calhoun, the Bank of Oakland County, the Bank of Manhattan, the last named being in the County of Monroe.

The appointment of a Banking Commissioner was provided for, to receive three hundred dollars annually for making examinations of the various banks every four months.

New York had recently enacted a so-called "Safety Fund" Act for the benefit of the creditors of banks and other moneyed corporations, and it was used as the model for a like enactment for Michigan. It gave to the Court of Chancery jurisdiction over insolvent banks, and provided that each bank should annually on the first of January, pay to the State Treasurer one-half of one per cent on its capital stock paid in, until a total of three per cent had been paid in. This fund was to be invested by the Auditor General, and the interest arising therefrom was to be used to pay the salary of the Banking Commissioner, and the balance to be paid to the banks which had contributed the principal. The "Bank Fund," as it was denominated, was to be used to make good the debts of insolvent banks, and was to be replenished from time to time as demands might be made upon it. No one seems to have urged that such an Act was not sufficient to furnish adequate protection against any financial stress through which the banks might be required to pass, for a condition of crisis and general panic was neither within their experience or conception.

The Legislature at this session, likewise, gave authority for sixty-six State roads in various parts of the State,

connecting up so far as legal enactments could, the raw settlement of the interior. Power to construct dams upon every considerable stream of the lower portion of the State was granted to persons eager to harness their currents to productive industry; but it was in railroad promotion that the imagination of the enthusiast of 1836 found freest play. The Legislature at this session granted charters for the Shelby and Belle River, the Monroe and Ypsilanti, the Allegan and Marshall, the Clinton and Adrian, the St. Clair and Romeo, the Palmyra and Jacksonburg, the Kalamazoo and Lake Michigan, the Constantine and Niles Canal and Railroad, and the River Raisin and Lake Erie, while the previously chartered Detroit and Maumee was given authority to construct the Havre branch, and the Erie and Kalamazoo which was nearing completion from Toledo to Adrian was granted divers amendments to its act of incorporation. These companies clearly indicate that their promotors were yet far from divining the centers of industrial development or the course of the great commercial movements of the region, for the proposed roads varied from but fifteen to fifty miles in length while the names Havre, Palmyra, Shelby, and Belle River have long since passed from the list of even prospective railroad terminals.

On March 28 the Legislature adjourned *sine die* with many measures pending and unconsidered. That the adjournment had relation to the boundary question there is no doubt. The opposition to the action of the Legislature in proceeding with general legislation before the formal admission of the State had increased, as Congress had seemingly shown no indication of being influenced

by it. The hesitance of some members as to the propriety of such action during the first days of the session took definite form on the 21st of February when John S. Barry and four other members of the Senate spread their formal protest against the "advisability" and "expediency" of legislation at the time upon the *Senate Journal*. The drift of congressional action upon the boundary question from day to day was clearly against Michigan, and there was a growing feeling that the independence of the legislature was intensifying the situation. Lucius Lyon was writing frequent letters from Washington to his political friends in Detroit predicting the result that was to be expected. The *Free Press* joined in the demand for an adjournment, and was commended by Senator Lyon in a letter to John S. Bagg, its editor, wherein he said among other things, "I say to you in strictest confidence, that the course pursued by the majority of our Legislature has had the effect to create a prejudice against us here," the letter concluding with the statement, "We shall lose the disputed country, and by a much larger majority than I had ever supposed. I understand the bill has passed the Senate today with but three dissenting votes. The political influence, together with the prejudice excited against us is so strong that nobody will open his mouth in our favor."

That Senator Lyon in those statements was but stating what he foresaw was inevitable, and not his desire (as his Michigan enemies argued) is shown by his letter of two days later (March 12) to Dr. Zina Pitcher in which he says, "All parties are courting the electoral votes of Ohio, Indiana and Illinois and poor Michigan must be

sacrificed. We shall probably be allowed to come into the Union if we surrender our rights, but the union of gamblers and pick-pockets, to a poor traveller who has just been robbed, is hardly to be desired."

CHAPTER XII

Conditions in Michigan in 1837

ALTHOUGH the ambitions of the people for statehood had not been gratified, the faint blush of spring found Michigan with every outward promise of a highly prosperous season. The border contest had at least one beneficial result for the State; it had advertised its prospects and possibilities; it had created an interest throughout the East in the State's resources and people, and with the departure of winter's barriers from roads and streams the tide of immigration set in with unprecedented volume. It seemed as though there was hardly a hamlet of New England or New York that was not sending its delegation of pioneers. Everywhere people heard the crude song of "Michigania," the first lines of which ran as follows:

> "Come all ye Yankee farmers who wish to change your lot,
> Who've spunk enough to travel beyond your native spot,
> And leave behind the village where Pa and Ma must stay,
> Come follow me, and settle in Michigania.—
> Yea, yea, yea, in Michigania."

Overland through the dismal stretches of Upper Canada, the white covered wagons of the immigrant moved in slow procession: three hundred and eighteen such conveyances passed westward through the town of Chatham in ten days. So frequent was the passage of their wagons from Windsor to Detroit, that the *Free Press* on May 24, chronicled the fact that the ferry boat Argo had brought over twenty such outfits between the hours of

nine and twelve o'clock; while on June 2, it contained a notice to the effect that "the receipts from the sale of public lands taken at the three land offices in the peninsula of Michigan during the month of May amounted to rising of one million dollars." There were ninety steam-boat arrivals at Detroit during the single month of May, seven hundred passengers disembarking on the one day of the 23rd. An estimate made at the time showed that in the month of June on an average, a wagon left the city of Detroit for the interior every five minutes during the twelve hours of daylight.

Miss Harriet Martineau who was now (June 14th, 1836) a guest at the home of Governor Mason, and who on the following day took her departure overland for Chicago, has left us in her interesting work *Society in America,* a graphic description of the scenes and conditions that beset the pioneer on the best highway in Michigan, the "Chicago road."

"Starting westward in the early morning," she says, "the brimming river was bright in the morning sun; and our road was for a mile or two thronged with Indians. Some of the inhabitants of Detroit, who knew the most about their dark neighbors, told me that they found it impossible to be romantic about these poor creatures. We, however, could not help feeling the excitement of the spectacle, when we saw them standing in their singularly majestic attitudes by the roadside or on a rising ground; one, with a bunch of feathers tied at the back of his head; another, with his arms folded in his blankets; and a third, with her infant lashed to a board, and thus carried on her shoulders. Their appearance was dreadfully squalid.

"As soon as we had entered the woods, the roads became as bad as, I suppose, roads ever are. Something snapped, and the driver cried out we were 'broke to bits.' The team-bolt had given away. Our gentlemen, and those of the mail-stage, which happened to be at hand, helped to mend the coach; and we ladies walked on, gathering abundance of flowers, and picking our way along the swampy corduroy road. In less than an hour the stage took us up, and no more accidents happened before breakfast. We were abundantly amused while our meal was preparing at Dannersville. One of the passengers of the mail-coach took up a violin and offered to play for us. Books with pictures were lying about. The lady of the house sat by the window fixing her candle-wicks into the moulds. On the piazza sat a party of emigrants who interested us much. The wife had her eight children with her; the youngest, puny twins. She said she had brought them in a wagon four hundred miles, and if they could only live through the one hundred that remained before they reached her husband's lot of land, she hoped they might thrive; but she had been robbed the day before of her bundle of baby things. Some one had stolen it from the wagon. After a good meal we saw the stage passengers stowed into a lumber wagon; and we presently followed in our more comfortable vehicle.

"Before long something else snapped. The splinter-bar was broken. The driver was mortified but it was no fault of his. Juggernaut's car would have been 'broke to bits' on such a road. We went into a settler's house, where we were welcomed to rest and refresh ourselves. Three years before, the owner bought his eighty acres of land for a dollar an acre. He would not sell it for

twenty dollars an acre. He shot, last year, a hundred deer and sold them for three dollars a piece. He and his family need have no fears of poverty. We dined well nine miles before reaching Ypsilanti. The log houses, always comfortable when well made, being easily kept clean, cool in summer and warm in winter, have here an air of beauty about them. The hue always harmonizes with the soil and vegetation. Those in Michigan have the bark left on, and the corners sawn off close; and are thus both picturesque and neat.

"At Ypsilanti, I picked up an Ann Arbor newspaper. It was badly printed; but its contents were pretty good, and it could happen nowhere out of America, that so raw a settlement as that at Ann Arbor, where there is difficulty in procuring decent accommodation, should have a newspaper."

So the author proceeds through many pages to describe the scenes and impressions gained from bad roads, settlers' homes and the primitive villages through which they passed, and where nightly they sought shelter. Sleeping sometimes, as she says "ranged like walking-sticks or umbrellas on the shop-counter," she catches the spirit of the occasion and is unmindful of the discomfitures that are ever present. The park-like forests, the rolling prairies, the ever present flowers and the songs of the birds lead her to exclaim, "Milton must have travelled in Michigan before he wrote the garden parts of 'Paradise Lost.'" Even the following of the blazed trail and toiling over bottomless roads was relieved from tediousness by the wit and humor of the immigrant and fellow traveler, for she says, "Their humor helps themselves and their visitors through any 'Sloughs of Despond,'

as charitably as their infinite abundance of logs help them through the swamps and over the bad roads."

If such was the experience of the traveler in comfortable conveyance over the best highway the State could boast, we may well imagine the experience of the sturdy pioneer who with valiant wife and a numerous brood of children loaded in a ponderous wagon behind leisurely moving oxen, sought the locations in the still newer and more remote counties to the north and west.

But not all the people drawn to Michigan by the fever of emigration sought homes in the interior; many identified themselves with Detroit, and the boom of the metropolis exceeded, if possible, that which came to interior localities. There were insufficient dwellings to accommodate the new accession of population, and everywhere were to be seen the evidences of the growth incident to the new order of things. Originally, and in a state of nature, the Cass farm at the intersection of Jefferson Avenue and Second Street, fronted the river with a high bank. To render the land suitable for building purposes necessitated the grading off of more than a hundred thousand yards of soil. To accomplish this, a large force of laborers were employed in the early spring of 1836. But for some cause unknown, but which was undoubtedly supplemented by liberal potions of strong drink, the laborers to the number of more than a hundred fell into a fierce fight of such a character that the officers were unable to quell it. This circumstance emphasized what had long been considered, namely, the need of a military organization that would respond to local authorities. This led to the organization in the month of May, of the justly famed Brady Guards, named in honor of

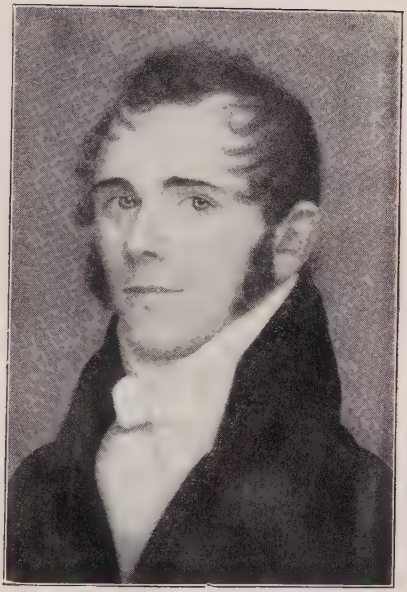
General Hugh Brady, the memory of whom still lingers as of a man of more than ordinary virtues and attainments. Alpheus S. Williams was chosen captain, and for many years the company not only rendered efficient service in the line of its duty, but became one of the helpful social adjuncts of the community.

Another organization that exerted a most potent influence in the social and intellectual life of Detroit, the Detroit Young Men's Society, received its corporate existence from an Act of the Legislature approved March 26. This society composed of the younger men of talent and character in the city, had already had an independent existence of some four years, and was soon possessed of the only considerable library in the city that could be considered public in character. During the winter months the society held weekly meetings, when literary exercises and debates were furnished as the entertainment to large and appreciative audiences. Upon the platform of this society at this time and in later years, appeared some of the foremost men of the nation. Detroit furnished few men in the larger affairs of business, professions, or politics in the earlier years of the State's history who had not been actively affiliated with the Detroit Young Men's Society. Governor Mason earlier became a member of this society, a relation he continued to the end of his life. He frequently participated in the society debates, and upon one occasion, not far from this time, delivered an extended and carefully prepared address before the society, taking for his subject "The Northwest," showing in his treatment of the theme a knowledge of the historic incidents involved that was quite unusual.

Historians have devoted considerable space to that article of the Ordinance of 1787, which provided among other things, "there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted." Its authorship has been claimed for many eminent men of that day and various motives, all praiseworthy, have been ascribed for its inclusion in the organic law for the great Territory from which five States were subsequently formed, States which became the determining factor, when in subsequent years the struggle came that settled the question of human bondage. Dr. Hinsdale, in his admirable work *The Old Northwest,* writing on the subject says, "The first draft of the Ordinance of 1787 did not contain the prohibition; but Mr. Dane, who was a member of the committee of July 9th and who wrote that draft, brought it forward on the second reading apparently on the suggestion from Virginia." Inasmuch as Governor Mason was a Virginian and intimately related to many of the men of power and influence in the Dominion of that day, his statement as to the reason that prompted Virginia to desire such a provision in the Ordinance, is of more than passing interest. In this connection, in his address, Governor Mason said, "Slavery was forbidden forever. It may not be unimportant to mention in reference to this provision, that Virginia made the provision a condition of her act of cession. The object and policy of Virginia in requiring such a condition was for a long time unknown to me, and is not disclosed by the records of the country of that day. She was a slave-holding State herself and prohibited the increase of slaves States five in number. I find

DANIEL LEROY
Member of the Territorial Council 1830-1831. First Attorney General of Michigan.

ELON FARNSWORTH
Chancellor of the State of Michigan,
1836-1842.



WILLIAM ASA FLETCHER
First Chief Justice of Michigan.

upon inquiry, however, that it arose from jealousy of her own strength in reference to the old States in the Confederacy. Her delegation in Congress at the head of which was Mr. Monroe, apprehended that emigration to the Northwest would diminish her population and thus lessen her strength in the Federal Councils. By prohibiting slavery in the States to be formed, her own people, the holder of slaves would be compelled to remain at home. Thus whilst New England and New York would be drained of their population, Virginia would retain her ascendancy. How short-sighted the policy of man when the hand of God seems to direct the affairs of this world. By this narrow act of Virginia an empire of States has sprung into existence, released and freed from the blighting course of a system, which we all deplore though we cannot now remove it."

If such be the true explanation of the motive which prompted Virginia to assist in the adoption of this important provision in the Ordinance of 1787, well may we say with Governor Mason, "How short-sighted the policy of man," for had Ohio, Indiana, and Illinois become slaveholding States, as but for the prohibition of the Ordinance they would have been, the issue of the great conflict of 1861-65 must have had a far different termination.

News of the congressional action of June 15, which conceded the demands of Ohio and gave to Michigan territorial compensation in the Upper Peninsula with right of admission into the Union conditioned upon the acceptance of the boundaries as fixed by Congress through the assent of a convention of delegates elected by the people of the State, was received with evidences of extreme displeasure. Had Congress passed an Act of admission giv-

ing to Ohio the strip she claimed, and leaving to Michigan the right to judicial determination of the question involved in her southern boundary, there would have been small complaint; but to have the lines fixed and determined and then to foreclose to appeal to the courts by making admission depend upon assent through representatives duly chosen, was to the minds of many, heaping insult upon injury. As a sugar coating to the provisional Act of admission, Congress passed an Act which received approval on the 23rd of June, granting to the State, lands for the following purposes:

First, Section number 16 in every township of public lands; and where such section had been sold or disposed of, then other lands of equal value to the State for the use of schools.

Second, seventy-two sections of land that had been granted to the Territory for a seminary of learning were regranted to the State for the support of the University.

Third, five entire sections of land to be selected in legal divisons of not less than one quarter section for the purpose of public buildings.

Fourth, all salt springs within the State not exceeding twelve in number with six sections of land adjoining. Five per cent of the net proceeds of the sale of all public lands lying within the State, which have been or shall be sold by Congress from and after the first day of July 1836, to be appropriated for the making of roads and canals within the State.

This grant of public lands was not materially different from the grants of lands to other States by the General

Government at the time of their admission, but in Michigan the grant being supplemental to the Act of admission, it was urged as an inducement by those who favored acquiesence in the terms proposed,—a by no means considerable number of the people.

The most important thing in connection with the grant of the lands for school purposes was, that instead of the lands being granted to the various townships for the support of the schools within such townships and being dissipated by the various townships of the State, they were granted to the State, and so became the basis of the State's primary school fund. This highly beneficial departure from the system of granting lands to townships as had been done previously, was the fruit of the wise forethought of Hon. Isaac E. Crary, then awaiting the privilege of a seat in Congress to which he had been elected by the people of Michigan.

Another event that had a direct bearing upon the status of Michigan was to be found in the fact that on April 20, 1836, the Territory of Wisconsin had been created, to begin her career of independence on the 4th of July following, so that there was to be no Territorial appendage to keep Michigan from accepting the terms proffered. Then as though to give to a few of the leaders in the State an incentive for at least not being overzealous in their sentiments of opposition to the high-handed program of the Government, Congress on the 1st of July made due provision for the courts and officers of the United States, the law to become effective when the State was admitted. To the offices thus created the President at once nominated and the Senate confirmed, Ross Wilkins as District Judge, Daniel Goodwin as Dis-

trict Attorney and Conrad Ten Eyck as Marshal, their respective commissions to issue upon the contingency of the State's admission into the Union.

As soon as Governor Mason received official notice of the action taken by Congress, he issued his proclamation convening the Legislature in extra session on Monday, the 11th day of July. Upon the assembling of the Legislature, the Governor submitted a message, which very ably presented the conditions imposed upon Michigan by the action of Congress, while it clearly argued their injustice and diplomatically called attention to the futility of resistance; although he specifically disclaimed any purpose to suggest a policy which should be personal because the matter had been submitted to the decision of a convention to be selected by the people. In view of his past experience and the state of public feeling, the message was a document of exceptional dignity and temper well calculated to at least pave the way for the acceptance of the inevitable. He did not, however, alienate the confidence and support of the friends with whom he had labored by a spiritless acquiescence in the program that superior power had dictated. "I find it difficult," said the Governor, "to express the feelings which are naturally excited upon this occasion, or to allude to this dismemberment of our Territory in that respectful language, which is perhaps due to those whose hands it has been effected. I feel as every citizen of Michigan must feel, that the decision of Congress has been made in violation of every principle of justice, and that to put censure where it is due is the prerogative of the people; that the result of their labors is but the triumph of might over right, based upon considerations of temporary

expediency; and that the stamp of its legitimacy is to be wrung from the unwilling assent of a patriotic and high minded people. In fact, the question of right between the parties has been avowedly disregarded by Congress, and their action placed upon the exclusive ground of expediency." Speaking further of the injustice of the action of Congress he said, "However much the people of Michigan may doubt the power of the General Government to alter the constitutional boundary of their State, they would have yielded respect to their legislation from patriotic consideration, had Congress been content with the simple exercise of their power. They would have declared as they now do, the legislation to be unconstitutional, but as citizens of the United States, they would have silently acquiesced in it, appealing to another tribunal for the peaceable and constitutional redress secured to them by the institutions of their country. But they are denied such an alternative, and are driven to other extremes,—resistance or unqualified submission. We are told that we shall not question the proceedings of Congress, that unless we give our assent to a system of legislation which we believe to be oppressive, illegal and unjust, we shall be denied admission into the Union on an equal footing with original States. Thus are we to be deprived of one right, unless we surrender another equally sacred, the right of an appeal to the federal judiciary; a right sacred to the humblest individual, who may desire to approach a tribunal, framed to protect him against injustice and oppression, and intended to check the different departments of our Government in the exercise of arbitrary and unconstitutional power."

But however correct the Governor's statement of the

situation and their violated rights, he was not led into a recommendation that their rights be maintained at any cost. He showed rather that he foresaw the ultimate outcome when he said, "I trust my fellow citizens will credit me when I declare, that no one can feel more deeply than myself the humilitation of the sacrifice we are called upon to make. The preservation of the integrity of our Territorial limit, has always been the highest object of my ambition. The boundaries claimed by us are our sacred rights, secured by an instrument as binding and sacred as the wisdom of man could frame it; and could we now calculate upon maintaining those boundaries with any hope of success, it would be our duty still to hazard the undertaking. In that hope I cannot be sanguine. I indulge in the reflection that I have shown heretofore, that no personal interest could govern me in my official conduct when the rights of those with whom I am identified demanded the sacrifice; and when I am reminded of the favor with which that sacrifice has been received by my fellow citizens, and how much I owe to it my present elevation, I would prove recreant to my own reputation and an ingrate to the people, could I now advise an unnecessary abandonment of their cause. Were I to consult the first impulse prompted by the feelings which every citizen in Michigan must acknowledge, I might be lead into a determination to resist the legislation of Congress; but as a public officer, called upon to discard excited feelings, and warrant that the permanent interests of the State are not to be overlooked, I should violate my duty did I recommend to my fellow citizens to embark in a controversy, offering so little hope of gain, but the certainty

of permanent loss and lasting injury to ourselves and to the nation."

It is needless to say that many people did not view the matter with that judicial temper which the Governor exhibited. Many were exasperated by what they believed to be an unwarranted assault upon the rights of Michigan, and, not being charged with responsibility, were for remaining out of the Union forever rather than to enter at the cost of justifiable State pride. There were others, Whigs in politics, who a few months before were characterizing the actions of the Governor in the boundary question and on the formation of a State government as lacking in wisdom and constitutional warrant who now were equally free with their criticism of the "hero of the bloodless plains of Toledo," as they saw fit to call the Governor, for his "surrender of the sacred rights of free people."

The bill or ordinance for the calling of the Convention as required by the Act of Congress became a law by the Governor's approval on the 25th of July, but not until it had been subjected to all manner of previous amendment and subjected to committees of conference and other parliamentary procedure; for there was a great diversity of opinion among the members as to how the Convention should be constituted and as to how the expression of the people should be taken. The law provided for a Convention of fifty delegates, to be distributed among the counties according to population; the counties of Wayne, Monroe, Oakland, Washtenaw, Livingston and Lenawee absorbed twenty-nine of the number. The election was provided for the second Monday of September and the

Convention was to meet on the fourth Monday of September next ensuing, at the court house in the village of Ann Arbor. The Legislature considered a few other matters of minor importance and adjourned on the 26th of July. As the law creating the State judiciary, by its terms went into effect on the 4th of July, and as with the creation of the Territory of Wisconsin there was no longer danger of conflict of authority, the Governor on the 18th of July nominated and the Senate confirmed the members of the Supreme Court; William A. Fletcher of Ann Arbor and the second circuit was the first named, and consequently was Chief Justice; George Morell of Detroit and the first circuit, and Epaphroditus Ransom of Kalamazoo and the third circuit, were associate justices. On the same day Daniel LeRoy of Pontiac was likewise nominated and confirmed as Attorney General; while Elon Farnsworth, by the same forms was made Chancellor. On July 26, the day of adjournment, John D. Pierce was nominated for the office of Superintendent of Public Instruction and unanimously confirmed by the votes of the members of House and Senate in joint assembly.

William Asa Fletcher, the first Chief Justice of Michigan, was born at Plymouth in the State of New Hampshire, June 26, 1788. His father, Joshua Fletcher, was an intelligent farmer of the community, who while not an ordained clergyman, yet frequently filled the pulpits of the Congregational Church of his village and the neighboring town of Bridgewater. The mother, Sarah (Brown) Fletcher was of a prominent New Hampshire family. William A. was the sixth son of this sturdy New England family, and the culture which he received under

the paternal roof was supplemented by the best educational advantages the parents were able to give. In early life Fletcher embarked in the mercantile business, residing, as the records would seem to indicate, at both Salem and Boston. Later he removed to Scoharie County in the State of New York. It was while a resident of this place that he took up the study of the law. Equipped for its practice, he journeyed to Detroit where he opened an office and soon had a respectable clientage. The biographical material left by Judge Fletcher is not extensive, but enough exists to show that he was a man of more than ordinary talents. At the laying of the corner stone of the old Territorial capitol on the 22nd of September, 1823, he was selected as the orator of the occasion, and the same year was selected as Chief Justice of the Wayne County Court, a position to which he was again chosen the following year. He also served the Territory as Attorney General, and in 1830 represented Wayne County on the Territorial Council. Upon the creation of the circuit courts in 1833, Judge Fletcher was appointed to the circuit comprising the territory outside of Wayne County, and because of that appointment took up his residence at Ann Arbor, his spacious log house standing upon land that now forms a part of the University campus. He was a member of the Michigan Historical Society, and generally interested in the various movements of community progress. In 1836 he was chosen by the Legislature a commissioner to prepare and arrange a code of laws for the state. This work was completed and was ultimately adopted by the Legislature as the Revised Statutes of 1838. It was Judge Fletcher who, more than any other judge of the early day,

traversed the Michigan wilderness astride his faithful steed, his saddle-bag the repository of his library and personal necessities. In many of the court journals of that day the signature of Judge Fletcher can still be seen testifying to his presence in counties far remote the one from the other. Judge Fletcher served upon the Supreme bench until 1842 when he resigned. The last years of his life were unfortunately spent under conditions that weakened his hold upon the people. His wife became hopelessly insane and the judge became addicted to intoxicants to a degree that was beyond the tolerance of the time when even a large degree of conviviality was allowed. Before his death, however, he rallied from the habit that had been his undoing, but never to regain his former eminence. He died at Ann Arbor September 19, 1852, without child or relatives in Michigan to mark or care for the place of his interment. A few years ago, laborers in laying a water pipe through an abandoned cemetery in Ann Arbor, which is now Felch Park, came upon a metallic casket in an unmarked grave. An aged resident identified the casket as the one in which Judge Fletcher was buried. The casket and remains were reinterred and it would be to the honor of Michigan if she marked in simple style the last resting place of her first Chief Justice who, though he yielded to some of the weaknesses of humanity was, nevertheless, an able and incorruptible judge.[1]

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[1]In 1918 under the auspices of the Michigan Pioneer and Historical Society, the State Bar Association, the University of Michigan, and the city of Ann Arbor, the remains of Judge Fletcher were disinterred and removed to Forest Hill cemetery, Ann Arbor, where later an appropriate marker will be placed.—*Ed.*

George Morell of Detroit, the associate justice of the second circuit, was a native of the State of Massachusetts, having been born at Lenox in that State March 22, 1786. He was a man of refined tastes and liberal education, having been a student at Lenox Academy and a graduate of William's College in the class of 1807. His legal education was obtained in the city of Troy, New York, where with Reuben H. Walworth and William L. Marcy he was a student in the office of John Russel. Admitted to the bar in 1810, he took up his residence at Cooperstown, New York, which continued to be his home until 1832, when, by appointment of President Jackson, he was made one of the United States Judges for Michigan. His political activity is evidenced by the fact that during his residence at Cooperstown he became Clerk of the Court of Common Pleas for Otsego County, and Master in Chancery and Judge of the Court of Common Pleas; while in 1828 he was elected to a seat in the New York Assembly. Judge Morell during his New York residence took a keen interest in military matters and rose through all the ranks of the State service to the position of Major General. His son, George Webb Morell, evidenced the same tastes and was graduated from West Point in 1835, lived to fill an honorable position at the bar of New York and to serve with distinction as a brigade and division commander in the Army of the Potomac. Judge Morell, although a man of fine ability and courtly bearing, did not escape the ruthless attack of the personal and political brigades, who in Michigan from the years 1830 to 1840 held no name or position sacred. Upon charges once preferred against him by certain citizens of Macomb County, while they were given

the dignity of legislative investigation, the investigation resulted in his exoneration. Judge Morell was ambitious for reappointment to the United States judgeship upon the admission of the State, as were both Judge Wilkins and Daniel Goodwin; Wilkins being from Pennsylvania and having the indorsement of his personal friend, James Buchanan, won, and the Attorney Generalship going to Goodwin left Morell to be cared for in the State administration. Upon the resignation of Judge Fletcher in 1842, he became Chief Justice, holding that position at the date of his death which occurred at Detroit March 8, 1845. His funeral was attended by the State Legislature and the Detroit bar, which testifies to the fact that he was a man of rare social graces and one who, as a judge, presided with great dignity and brought to the discharge of his judicial duties high legal attainments and untiring industry.

Epaphroditus Ransom of Bronson (later Kalamazoo) in the third judicial circuit was likewise a product of Massachusetts, having been born at Shelburne Falls in February, 1797. His father, Ezekiel Ransom, had seen service as a Major in the Revolutionary War, while his mother was the daughter of General Fletcher of Townshend, Windham County, Vermont. It was here that he grew to manhood, his time being employed either upon the rugged hillsides of the grandfather's farm, teaching or attending school. After graduating from Chester Academy, he determined to become a lawyer, and returning to Townshend entered the office of Judge Taft of that place, having for his fellow student the son of his preceptor, Alphonzo Taft, later Attorney General of the United States and father of President William H. Taft.

After two years in the office of Judge Taft, he entered the law school at Northampton, Mass., and graduated with the class of 1823. Following his admission to the bar he began to practice law, and enjoyed for some years a successful business. Although a Democrat in politics, and thus of the minority party, he was returned several sessions to the lower house of the Vermont Legislature. In the fall of 1834 the rising tide of Eastern emigration drew him to Michigan, and no doubt the glowing accounts from that other Vermonter, Hon. Lucius Lyon, of the rich prairies of Kalamazoo County determined him to locate at Bronson, which he did in October when some twenty houses and not to exceed one hundred souls constituted what was to be in time the city of Kalamazoo; thus he had been hardly two years a resident of Michigan when made a member of the Supreme Court. But Judge Ransom soon impressed his personality upon those beyond the immediate circle of his pioneer acquaintances. Tall and straight, of strong physique, approachable and simple in his habits, he soon became a man of more than ordinary popular regard. He was made Chief Justice in 1843 by appointment of Governor John S. Barry, a position he continued to hold until elected Governor in 1847. Although elected Governor by a majority of the vote of every county in the State, he held the position but one term, his position in support of the Wilmot proviso raising an issue that defeated him for renomination. His experience was unique, in that after having served the State as its chief executive, he served in the State Legislature as the representative of Kalamazoo County. Governor Ransom took a deep interest in agricultural pursuits; the Michigan Agricultural Society was organ-

ized during his administration and he became its first president. Governor Ransom suffered serious financial reverses in the later years of his life as the result of which he was led to accept the appointment of receiver of the Osage Land Office in the Territory of Kansas from President Buchanan. He died at Fort Scott, Kansas, November, 1859, his remains being subsequently returned for interment in Mountain Home Cemetery of that place.

CHAPTER XIII

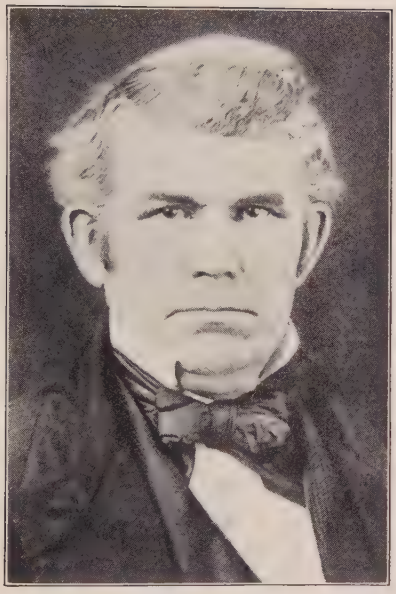
Michigan Admitted to the Union

THE election for delegates to the Convention of Assent was duly held in the various counties of the State in accordance with the provisions of the law which the special session of the Legislature had enacted. The issue did not pass, however, without comment and heated discussion. The Democratic papers generally, except a few upon the southern border, were in favor of giving assent to the conditions imposed. The *Free Press* offered consolation in the form of yielding to "preserve the harmony of the Union;" offered hope that the Upper Peninsula might after all be of some value and that it might be possible to get territory at the expense of Wisconsin. The Whig press was more inclined to expend rhetoric on wrongs imposed and rights withheld; and on the night of September 2nd, the forces of dissent in Detroit held a meeting to voice one more protest against yielding to Ohio. The election passed, and the delegates assembled at Ann Arbor on Monday the 26th with forty-nine delegates present; every county or district was represented excepting only the county of Michilimackinac, whose one representative, if elected, did not appear. Upon the assembling of the Convention on the following day to effect the permanent organization, there was an evident test of strength on the election of officers, the Dissenters winning by substantially the same vote with which they carried every proposition in the Convention,

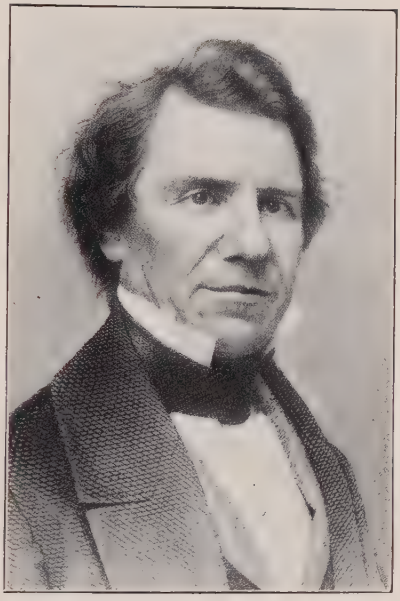
William Draper, a reputable attorney of Oakland County, was chosen President, while Chas. A. Jefferies of Washtenaw and Samuel Yorke Atlee of Kalamazoo were chosen Secretaries and Martin Davis was made Sergeant-at-Arms. Austin E. Wing and Edward D. Ellis led the fight for the Dissenters, and the Assenters went down to defeat under Ross Wilkins (of Lenawee) and John McDonald of Wayne. Communications were received as to the boundary survey from the engineers conducting the same and from residents upon the disputed territory, solemnly protesting against the power that would surrender them to Ohio. Wilkins and his followers sought to have adopted a preamble and resolution agreeing to the terms imposed by Congress, coupled with a mild protest against the power exerted; but by vote of twenty-eight to twenty-one the resolution of dissent was adopted. This action brought a signed protest upon the records from the Assenters, as it did an "expose" from the same gentlemen when the majority selected Messrs. Andrew Mack of Wayne, and Austin E. Wing and Robert Clark of Monroe as delegates to visit Washington on the part of the Convention to co-operate with the Senators and Representatives of this State in "advancing its rights."

The Convention finished its labors and adjourned on September 30. In accordance with instructions, Austin E. Wing addressed a lengthy communication to President Jackson explanatory of the majority position, and Edward D. Ellis and four other delegates, under like instruction from the Convention, issued a lengthy address to the people again reviewing the history and injustice of the boundary contest. The address closed with a rhetorical flourish which, while it may have been

GEORGE MORELL
Member of the State Supreme Court from 1836, becoming a Chief Justice in 1842



EPAPHRODITUS RANSOM
Member first State Supreme Court, Chief Justice in 1843, and elected Governor in 1847.



ROBERT McCLELLAND

Member of the first State Constitutional Convention. During Gov. Mason's term, member of the State Legislature. Later chief spokesman of the anti-slavery cause in Michigan, and Governor of the State, 1851-53.

impressive then, is humorous now. "When we reflect, fellow citizens," it concluded, "upon the fearful array with which you had to contend for the choice of your delegates to the late Convention, the official influence exercised, the power of the press enlisted, in short every argument urged which could effect your avarice, your ambition, your fears, or your hopes to influence you to plainly assent to the surrender of a portion of your soil, we think we have reason to most cordially congratulate you; and well, fellow citizens, may we be proud of the name of Michigan! and safely may we say that the struggle which has just closed, perhaps but for a moment, has been one of the most glorious triumphs of principle over the intrigues and management of selfish individuals that has been achieved since the adoption of the Federal Constitution.

"Finally, fellow citizens, we solemnly call upon you to stand upon principle; abandon this and what have you left? We have addressed you not as the heralds of a party but as citizens of one and the same community as yourself, seeking nothing at your hands. Our only desire is that you unite, like a band of brothers upon the great question of your Territorial rights, forgetting minor differences and compromising opinions; and as far as the united efforts of more than two hundred thousand freemen can do, extricate your new State from the difficulties and injuries of the past and forever preserve inviolate its integrity, its character, and its sovereignty."

When we reflect that the chairman who penned this soul-stirring address but a few weeks before as a member of the State Senate had joined with others in a signed

protest against all legislative action because of apprehended conflict with the national authorities and for fear their action would be construed as lacking in respect to the "President of the United States and the able and worthy men who compose his Cabinet," we can imagine that it failed to convince those gentlemen who were impatiently awaiting the day when they would be officers of a State within the Union and those other gentlemen appointed to federal positions within the State, whose emoluments were contingent upon the same event. In the Convention, of the twenty-one votes in favor of assent, twelve were from the counties of Wayne and Lenawee. The Dissenters, by combining the seven votes of Washtenaw and Livingston with the six from Oakland and the four from Monroe commanded a majority of five, while in the division of the twenty votes of the counties that had from one to two votes each as in some instances, but one vote for from two to four counties, they received eleven votes while the forces of assent could rally but nine. The action of the Convention again precipitated public discussion and people as usual began to give the matter the benefit of their second thought. The more impulsive had freed their minds; they had entered their most vigorous protest against a law that was to bring them into the Union "mutilated, humbled and degraded," and had answered in the negative their own question as to whether they would be sold "like Joseph into Egypt," as the price of admission into the Union. They had written into the records of the State their solemn conviction that "Congress cannot deprive us of representation, nor can they bestow upon Ohio a part of our domain without our consent, consistent with the Constitution

and the Ordinance of 1787," and they had insisted that if such things could be done "then our liberties would indeed be held by a frail tenure." But after it was all said, their sober second thought told them their territorial limits had been mutilated and that Ohio was in actual possession of the strip carved off and would be maintained there if need be by the forces of the United States, and that whether they were to be humbled or degraded depended largely upon how they looked at it. It was well enough to say when the excitement was on that they would remain a State out of the Union but when the excitement was over there was no one to give any assurances as to how long they might remain out or what was to be gained by remaining out, while there were many showing where the State was to suffer very substantial losses by not submitting to the inevitable at once.

The National Government was about to try the experiment of distributing the surplus revenue of the Government among the States. The newspapers now renewed the assertion that unless Michigan secured formal admission by January 1, she would not share in the distribution and would likewise lose her share of the five per cent on the sales of public lands, a sum that was variously estimated at from four hundred thousand to six hundred thousand dollars. The President was said to have given extra official confirmation to this statement, and to give it further evidences of verity, the Secretary of the Treasury, Hon. Levi Woodbury, was induced to write a letter to the effect that the money could not be paid to State until its admission; the limit of January 1, or any other time was not specified by him, but of course, readily supplied by the imagination of those whose purpose the claim

best served. Many other considerations were advanced, but the loss of the money was the proposition upon which greatest emphasis was placed, for it involved the postponement of many cherished projects of internal improvement. The combined causes unquestionably produced a marked change in public opinion and when on the 29th of October following, the Wayne County Democratic County Convention assembled, it by unanimous vote of its one hundred and twenty-four delegates adopted a preamble and resolutions favoring "prompt acquiescence" in the terms proposed for admission, and requested the Governor to issue a proclamation recommending an election of delegates to another Convention to consider the question of assent, when he should be satisfied that the people of Michigan so desired.

Elections for members of the State Legislature soon followed, and in many districts the electors expressed themselves upon the statehood question in a manner to indicate a marked change in sentiment. Numerously signed petitions were soon received by the Governor from places as new and remote as Bellevue in the County of Eaton and from counties still farther to the westward praying for the calling of a second Convention. On November 9 a Convention assembled at Ann Arbor and adopted resolutions in effect apologizing for the position taken by the delegates from the County of Washtenaw in the former Convention, and requested the calling of another Convention that Washtenaw might "wipe off the stain" fixed upon them by the decision of the September body. A representative committee was appointed to wait upon the Governor and convey to him the action of the Convention. On November 13 Governor Mason addressed

a lengthy communication to Ezekiel Pray of Superior, Washtenaw County, who had acted as president of the recent county Convention. The letter acknowledged the receipt of the proceedings of the Convention through the committee appointed for that purpose, while the Governor made plain that, as an official of the State, he was empowered by neither the Constitution nor the laws to call such a body, and even if such power was inherent in the Legislature there was not then sufficient time for the assembling of that body and the calling of a second Convention before the 1st of January. The Governor then proceeded through much space to argue that if the people were dissatisfied with the decision of the September Convention, "the remedy was with themselves," that they had the "inherent and indefeasible right in all cases or propositions coming before them in their original capacity to reverse the acts of their agents if found prejudicial to their interests, and decree such as accord with their welfare and happiness," and he fortified his position by reference to incidents connected with the history of Pennsylvania when it became necessary to form a constitution upon its separation from the mother country, which was drafted by a Convention having its inception in the recommendation of a self-constituted committee of the city of Philadelphia. However well such an exposition of the law may have been suited to the exigencies of a particular occasion and however plausibly it may have appealed to the lay mind, the student of government and legal forms is hardly persuaded that in a government of constitutions and laws their decrees and established forms can be thus lightly set aside. The Governor did not go into the merits of

the controversy which had been so long discussed; but he did not forget to call attention to the fact that, by not being a State within the Union, they would not participate in the distribution of the surplus revenue soon to be handed to more favored neighbors, adding that "the loss of this to the people of Michigan, struggling as they are, under all the embarrassments incident to the commencement and early operations of the government of án infant State will prove unfortunate. The benefits to the State, resulting from its use in the public improvements of the country will readily accrue to every citizen."

The Governor's letter gave a hint that a Convention assembled by the people in their so-called "primary capacity," if it should adopt a resolution assenting to the fundamental conditions, improved, would be acceptable to Congress. The leaders were looking for an excuse for their action, and not for a profound legal opinion upon its regularity; and we may well imagine that the Governor's letter was not put forth until it had received the most careful consideration by his party associates as to whether it furnished the best way out of the difficulty. This opinion is given credence by the fact that on the morning following the appearance of the Governor's letter, David C. McKinstry, Marshall J. Bacon, Ross Wilkins, John McDonald and Charles W. Whipple, as the committee of the Wayne County Democratic Convention, issued a circular recommending that the electors of the various counties meet on the 5th and 6th of December in their respective townships and elect twice the number of delegates that they had representation in the lower branch of the State Legislature; that in the election all legal formalities respecting elections be observed and

that the delegates so elected assemble at Ann Arbor on Wednesday the 14th of December to consider "the expediency of giving the assent of the people of Michigan to the fundamental conditions, prescribed by Congress for their admission into the Union."

The Whig press, which a few weeks before had referred to the Michigan Legislature as having the power of a temperance society, now looked upon it as a very respectable organization, and were sure that the convention called by it was the only legal body, and that the second one was altogether lacking in every legal requisite. It was said that at the election for delegates, a great many electors refused to participate because of the alleged illegal character of the proceeding. It is probably true that the Dissenters did refuse to name opposing candidates, but it is equally true that the vote at the second election was six hundred larger than was polled at the first. Although in some quarters derided as the "Frost-biten Convention," the delegates assembled at Ann Arbor on the appointed day and their Journal shows eighty-four delegates in attendance, representing every organized county in the State that had been represented in the first convention excepting Chippewa, Macomb, and Monroe.

The delegates were naturally of one mind and quite unanimous in their proceedings. There were several delegates who had served in the first Convention, and among the list of the entire membership, the names of the men who were active in the Democratic politics of the State are quite conspicuous.

The Convention proceeded, with little time wasted in preliminaries, to the election of John R. Williams of

Detroit as president, Kintzing Pritchette of Detroit and Jonathan E. Field of Washtenaw secretaries, and John Haston sergeant-at-arms. The president accepted the honor of presiding officer with a brief address, stating his own and the Convention's mind when he said, "The period has arrived, when we can no longer postpone efficient measures to secure to our rising political Star of the confederacy, those advantages inseparable from, and to be attained only by our admission into the Union."

A committee selected for that purpose, with equal dispatch digested resolutions introduced by delegates Ross Wilkins of Detroit and Peter Morey of Lenawee and reported a substitute wherein they argued the legality of their assemblage, expressed doubt as to the constitutional power of Congress to impose the condition and ended by giving the assent required, which report was unanimously adopted without amendment or qualification.

A committee likewise prepared and submitted a letter to the President which was promptly accepted. No voice was now raised in opposition to the selection of a special messenger to bear the letter to Washington, and John R. Williams was selected for the mission. One cannot read the letter without feeling that when read by "Old Hickory" it must have made a decided appeal to his sense of humor; for in arguing the regularity and legality of their convention they said, "The condition prescribed as a preliminary to the admission of Michigan into the Union had not until now been complied with, and no absolute recognition of our State authorities had been made by any branch of the National Government;" and

then, as if explaining the unfortunate plight they were in, the letter proceeded, "The Territorial Executive had been withdrawn, the Territorial Legislature had ceased, —and no power remained, as recognized by Congress,— but, the *People of Michigan in their Sovereign Capacity,* by which the Convention of Delegates should be called, to yield a compliance with the fundamental condition of admission as provided in the second section of the Act of Congress. Had the third section of said Act designated by whom or by what power the said Convention should be ordered, the whole would have met the cheerful compliance of the People of Michigan."

One is tempted to believe that in this letter, Judge Wilkins took the opportunity of laughing at the President and Congress, who were asking legal formalities from a body of people from over whom the Territorial government had been withdrawn and whose State government was refused just and full recognition.

By the provisions of the law providing for the conditional admission of Michigan, the State was to be admitted by proclamation of the President as soon as the required assent was given. On September 26 the President received the official proceedings of the first Convention and on December 24, the official proceedings of the second Convention; Congress being then in session, the President transmitted both communications to that body with an accompanying message, saying that had the proceedings of the latter Convention reached him during a recess of Congress, he would have felt it his duty on being satisfied that they had emanated from a convention of delegates elected in point of fact by the people of the State for the purpose required, to have issued his proclamation thereon as required by law.

Again Congress took up the question. The old issue of the boundary was dead beyond resurrection, but it still furnished the subject of much futile oratory. The principal contention, however, was upon the regularity of the last Convention, but even Congress was not inclined to draw too fine distinctions; Ohio was in possession of the coveted strip of territory; Indiana and Illinois had had their titles confirmed; the election was over; and as one author has said, "The political life of the State had been for nearly two years too irregular and revolutionary to make any one over-particular regarding the regularity of admission." After a month of debate and consideration, Congress on January 26, 1837, passed a law for the formal admission of the State; she thus becoming within the Union what, for more than a year, she had been out of the Union,—a State in fact.

The news of the State's admission was received at Detroit, and on February 9 was celebrated with every demonstration of real joy. The Brady Guards paraded and twenty-six guns were fired, while in the evening the event was celebrated by what was then termed "a grand illumination," a tallow candle being placed behind each window in nearly every residence in the city, while a column of revellers, merry makers, and staid citizens paraded the streets and serenaded the homes of the prominent residents.

Some historians have devoted considerable space to showing how the action of Congress was based upon an illegal proceeding on the part of the so-called "Frost-bitten Convention," but the discussion never had more than academic interest. The questions involved were as effectually settled as though all had been agreed. Gov-

ernor Mason advised acceptance of the result. The Legislature which a few months before had railed at its representatives in Congress for "bartering away a part of the State," now passed resolutions thanking them "for the untiring zeal and unremitting fidelity with which they had tried to sustain its rights," and appropriated the public money to pay the delegates and officers who had participated in the December Convention. Now and then for the next two or three years, some one brought forward the question by legislative resolution or written statement indicating a lingering hope that the disputed territory might still be regained for Michigan; but statehood was bringing new cares and new problems, and the incident of the southern boundary soon became little more than a subject for good-natured reminiscence.

The conventions of Dissent and Assent while engrossing public attention, were not engrossing it to the exclusion of all other matters. During the interval between the two conventions, in response to a numerously signed petition a considerable body of citizens assembled at Ann Arbor on the 10th and 11th of November and effected the organization of the Michigan Anti-slavery Society to affiliate with the national society. Robert Stuart of Wayne County was chosen as the first president of the society, while its numerous list of vice-presidents and other officers shows that its membership included men of all shades of political belief.

Of quite a different character was the consideration that was being given to the Indian. The flow of immigration was daily making it more apparent that the Indian must be removed to the Northwest from the land where for untold ages he had been the undisputed tenant

of its forest-glades, its shimmering lakes and sylvan streams. By the treaty of Chicago, September 26, 1833, the Potawatomis, excepting Pokagon and his band, had parted with their reservations in southwestern Michigan and had stipulated to remove from them within three years. Governor Mason in his message of February 1, 1836, had called attention to the importance of the immediate extinguishment of the Indian title within the peninsula, and as he stated, "Their removal to a quarter where, secure from the encroachments of the whites, they may be left free to follow their own pursuits of happiness." Alas! the place where they were to be free from encroachments was beyond the grave; but this was as unforeseen by the committee which drafted the memorial to Congress on the recommendation of the Governor, as by the Governor himself, for the memorial after depicting in words of honest sympathy the unfortunate condition of the Indians, suggested their removal to a forest country as best suited to their experiences and life habits, saying, "In seeking for a country more congenial to their habits and feelings these tribes have for some time directed their expectations to the source of the Mississippi—a region clearly beyond the scope of our future settlements, and which yet affords advantages in its lakes, savannahs and rice-fields for an Indian population."

In accordance with if not as a result of these suggestions and recommendations, Henry R. Schoolcraft acting as a commissioner on the part of the United States, on March 28, 1836, concluded a treaty with the chiefs of the Ottawa and Chippewa nations whereby they relinquished their title to all lands in western and northern Michigan excepting certain specified reservations. The treaty

embraced as estimated, ten million acres in the Lower Peninsula and six million acres in the Upper Peninsula, for which the Government agreed to pay in annuities and other stipulated items the sum of $1,601,600. Upon the conclusion of this treaty, Senator Lyon, ever enthusiastic for the advancement of the State, wrote to his Detroit friends: "Of the country purchased about four million acres extending from the Grand River north, is known to be fine land for settlement, and within a very few years we shall no doubt see towns springing up at the mouths of all the rivers flowing into Lake Michigan for a hundred miles north of Grand River, if not all around the Lower Peninsula. The Upper Peninsula is known to contain vast forests of the very best pine, which is even now much wanted in Ohio, Indiana, and Illinois, and the southern part of Michigan and Wisconsin, and must very shortly furnish the material of a highly valuable trade."

It was shortly after the completion of this treaty, that Congress passed the act of conditional admission of the State with the stipulated grants to the State of lands for universities and other purposes. It was in pursuance of these grants that the Legislature passed, and the Governor, on July 25, approved the bill for the appointment of commissioners to locate the salt springs and contiguous lands, as well as the lands to be appropriated for university and building purposes. As settlers were rapidly appropriating the valuable lands, Governor Mason at once selected the commissioners, and had the selections of the State made and certified. Of the lands thus selected, not a few descriptions, especially on the Niles reservation and in the Grand River region, were in the possession of "squatters" or settlers who had without

legal right or authority gone upon the Indian lands with the design of becoming possessed of the legal title to the same when the Indian title should be extinguished and the lands should be placed upon the market. This action of the Governor, although clearly in the interest of the State, led to complications that were before the Legislature for several sessions for adjustment, and were sought to be used, as we shall hereinafter see, to the political disadvantage of the Governor in his campaign for re-election to the Governorship.

The general election of 1836 had not been allowed to pass without exhibitions of interest in its outcome, although as the Whigs had taken the position that the State government was illegal in its inception, they had not been in a position to prosecute a campaign for their own principles. A democratic majority had therefore been returned to the State Legislature and the Democratic electors chosen to vote for Martin Van Buren for President and Richard M. Johnson Vice President. Although Michigan's three electoral votes were not counted in the election, there will always be a query as to what the result would have been had Michigan's votes been the determining factor in the contest.

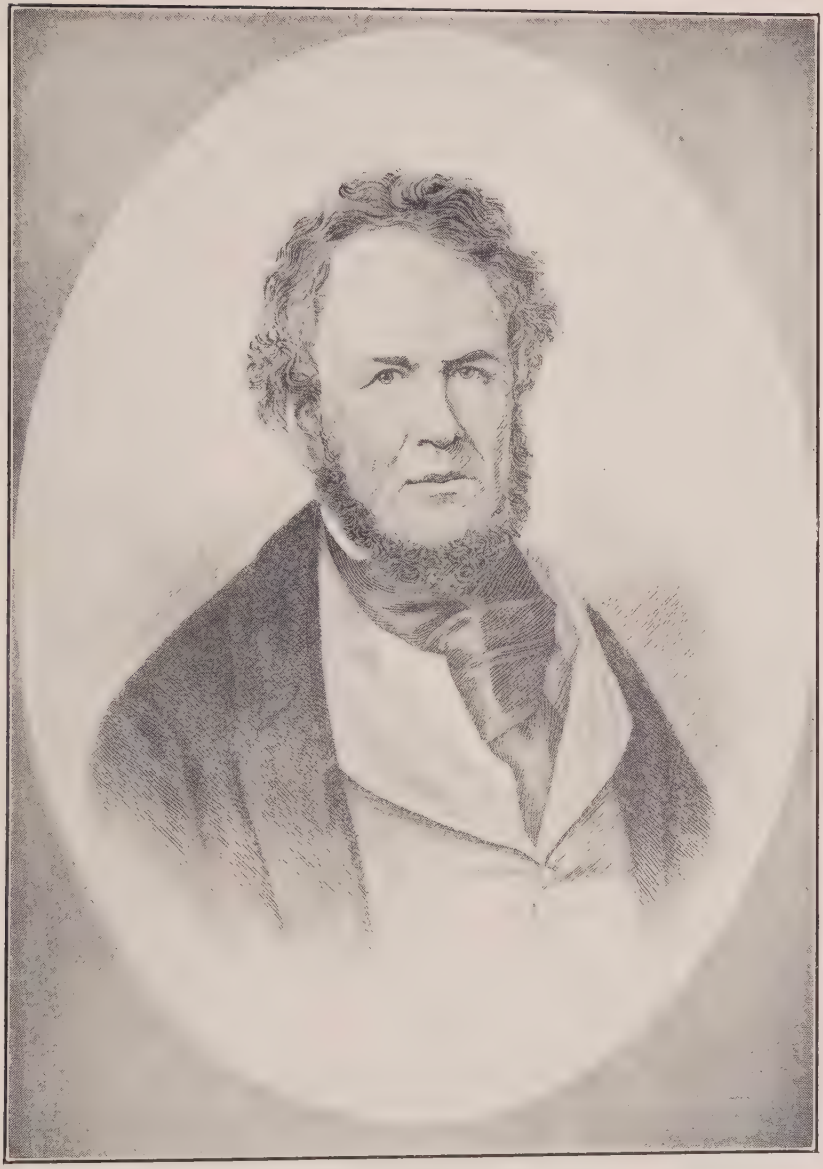
CHAPTER XIV

Legislation of 1837

THE year 1837 opened with dark clouds visible on the horizon of both State and Nation. Yet few seemed to see or comprehend the storm they portended. For four years the country had enjoyed almost a bewildering prosperity and the people could not understand that the ominous mutterings were from conditions that would not soon pass away. The people of Michigan with strong faith and eager purpose were impatiently awaiting the task of emulating the achievements of sister States, that to them it seemed were less favored than they by natural position and resources. There were many in the State who had known Ohio when its scattered thousands of population were struggling for a foothold upon its soil; they had watched them multiply until now there were upwards of a million and a half in her thriving cities and country homes. They had seen the same transformation in the States of Indiana and Illinois, and none of them in the same space of time had received such an influx of immigrants as had come to Michigan, and the people had faith that they would continue to come if they but held fearlessly to the path wherein New York, Ohio, Indiana and other States had found and were still finding such unprecedented prosperity. But the statesmen of Michigan could not see that their efforts were to be prosecuted in a time of transition. They could not look into the future and see that the canals built by the States of

New York, Pennsylvania and Ohio were soon to be superseded by other and better means of communication; they could not see that even a railroad was to be developed to a degree of efficiency, that was to make it the chiefest marvel of man's invention; or that the ideas of combination were to be so developed, or that individual or corporate wealth was to so increase, that these means of communication were literally to cover the earth with their network of steel. Neither could the statesman of Michigan see that in ways foreign to his experience, financial depression was to come, and that he was destined to prosecute efforts for his State amid the wreck of fallen fortunes and well-nigh universal panic. Because they were not wise beyond the wisdom of their time, not a few writers on the period have, with the benefit of their experience, been inclined to write in a vein of unjust depreciation and censure of the men who in the early days of statehood assumed the responsibilities and labored for the up-building of its institutions.

The second Legislature assembled at Detroit on Monday, the 2nd day of January, 1837. In the Senate were such men as John S. Barry, later to become three times Governor of the State. Calvin Britain, a man of more than ordinary public experience and later Lieutenant Governor during the first administration of Governor McClelland; Randolph Manning, later to serve as Chancellor and still later as Associate Justice of the Supreme Court. Of the sixteen members of the Senate, two-thirds were men of by far more than average culture and public and business experience. In the House of Representatives there were likewise many men of high talents and commanding abilities. In the membership of that body one



HENRY ROWE SCHOOLCRAFT

1822 Indian Agent for the Northwest; 1828-1832 member of the Michigan Territorial Council; geologist, explorer, author.

Executive Office

Detroit March 2d 1835

Sir,

I have the honor to transmit the accounts and vouchers of Henry R. Schoolcraft Indian Agent at Michilimackinac for the Quarter ending 31st December 1834.

I am Sir

Very respectfully

Your Obdt Servant

Stevens T. Mason

To

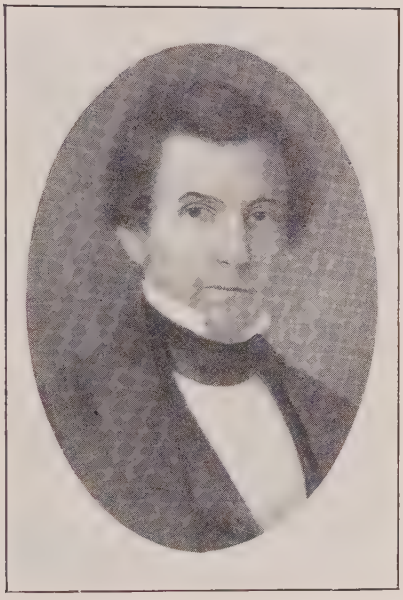
The Hon

Elbert Herring

Commr &c.

&c &c

FAC-SIMILE OF A LETTER OF GOV. STEVENS T. MASON



ISAAC E. CRARY
Member of first State Constitutional Convention, and first member of Congress from Michigan, 1835-1841.

finds the names of Kinsley S. Bingham, who afterwards became Governor and United States Senator; Alpheus Felch, who was later to succeed to the governorship, the senatorship, and to a highly creditable career upon the Supreme Bench; Warner Wing, lawyer of distinguished ability; George W. Wisner, who four years before had established and become the editor of the New York *Sun*; Edwin H. Lathrop, Ezra Convis, and a score of others who had become and who continued to be leaders of recognized ability, not omitting Charles W. Whipple, who was chosen speaker of the House and in later years became an Associate Justice of the Supreme Court. Attention is called to the personnel of the two houses of the Legislature of 1837, because the fact that there was a Legislature is sometimes seemingly overlooked and the enactments of the session accredited to the Governor as though his influence had been the all determining factor. As a matter of fact, the Governor in common with many other students of government in his day held to the proposition that the Governor was not warranted in interposing a veto where the question was one of legislative policy or discretion; that such questions were solely within the legislative branch of the government. The Governor in his message to the Legislature went fully into the various questions then uppermost in the public mind. He anticipated the receipt of the surplus revenue from the National Government and recommended that it be deposited in various banks upon adequate security, the interest received to be applied to the purposes of the State. The perfecting of a penitentiary system of which the State now stood in grievous need received his careful attention, and he again urged the abolition of

imprisonment for debt. The question of the State's revenue and the militia likewise received thoughtful and extended notice. Perhaps of the minor questions presented to the Legislature he treated of none which for the time embodied more of originality than did his recommendations for a geological survey of the State, a project in which his interest was unquestionably enlisted by that eminent young scientist, Douglass Houghton, then in the twenty-eighth year of his age. At the previous session of the Legislature the newly appointed Superintendent of Public Instruction, John D. Pierce, had been authorized to investigate and report to the Legislature on the question of the establishment of a school system. With characteristic pioneer energy, he had sold his house and lot at Marshall, and with the means thus secured had started by lumber-wagon for Detroit and the East in quest of information that might supplement his own rare judgment and well-stored mind. Before his return, he had conferred with prominent educators of New York, Massachusetts and Connecticut, and had attended the two most important teachers' gatherings of the time, the one at Worcester and the other at Cincinnati. Thus fortified, he proceeded to prepare his report to the Legislature, which was submitted to that body during the first days of its session. It is within the truth to say that in no State of the Union before this time had there been submitted a document embracing a more comprehensive scheme of education nor one so well calculated to meet the requirements and effectuate the purposes desired. Mr. Pierce frankly admitted that in the perfecting of his system, he had drawn from the educational system of Prussia as expounded by the celebrated Victor Cousin,

who as an authority he frequently quoted. It is needless to say more of Mr. Pierce's report than that as its recommendations were almost wholly adopted by the Legislature, it made John D. Pierce the father of the Michigan school system and the pioneer in the scheme whereby a State placed the means of education within the reach of all.

Governor Mason, always enthusiastic in the cause of education, seldom sending a message to the Legislature without a plea in its interest, now ably seconded the report and recommendation of the Superintendent of Public Instruction, saying among other things upon this subject, "The State fund for the support of common schools, with prudent husbandry, will equal our utmost wants. The University of Michigan will also possess an endowment which will enable the State to place that institution upon an elevation of character and standing equal to that of any similar institution in the Union. I would, therefore, recommend the immediate location of the University at the same time the adoption of a system for its government as well as a system for the government of your primary schools. In the organization of your common schools, which are the foundation upon which your whole system of education must be based, the first measure essential to their success and good government is the appointment of teachers of the highest character both moral and intellectual. Liberal salaries should be allowed the instructors, as without this, you may rest assured you must fail in your object, as individuals in all respects competent to the charge of your schools will be excluded from them by the parsimoniousness of their compensation."

Inasmuch as Michigan was to have a State banking experience which was destined to live as one of the unpleasant memories of 1837-38 and was to be one of the enactments that was to be charged to the Governor's administration, it is but proper that the Governor's message utterances on the subject should be reproduced; for they are not only interesting as showing his soundness on the fundamentals of the subject, but they show his view of the duties of an executive officer with respect to the exercise of his veto power.

"I find," said he, "by reference to the notice of applications to be made to you for legislation at your present session that you will be called upon to legislate extensively upon applications for bank charters.

"This subject involves the currency of the country, and cannot be regarded with too much interest and care. The question involved in all legislation upon the subject, is one of simple expediency and the responsibility involved, in a great measure, rests upon the Legislature. The executive officer, strictly construing his veto power, should confine its exercise to constitutional questions, unless it be in flagrant cases where facts come before him which have been withheld from the knowledge of the legislature. Questions of expediency, as a general rule, should be left to the immediate representatives of the people. The country, it is true, is laboring at present under an unprecedented pressure in the money markets. But it is a mistaken idea that extensive issues of bank paper will remove this evil. Banks are rather the effect than the cause of the prosperity of a State. They may afford facilities in trade but they are not the foundation of the public wealth. The wealth of the State has a

deeper source; it springs from the agricultural industry of the country; it emanates from the labor of the people. The cause of the existing pressure does not arise so much from the want of banking capital as from an unnatural state of trade produced by the wild and reckless spirit of speculation which has overrun the land and has withdrawn capital from its usual channels. This capital must return to the channels where it properly belongs before the entire relief to the community can be experienced; and as it is generally invested in real estate, its return will be found to be gradual in its operation. A wise and prudent economy accompanied by a cessation of extravagant speculation can alone restore a proper state of trade and relieve the embarrassment of the country. Without this a multiplication of banks and bank paper will but increase the evil."

Passing from a discussion of the fundamental causes that to his mind had produced the financial stress under which the country was then laboring, he proceeded to say, "We must recollect that bank notes are not money, but merely its representative. Gold and silver are the basis of our currency, and when your bank notes are not convertible into this medium at the will of the holder they must depreciate in value." He concluded with the caution, "Every guard should, therefore, be thrown around your bank charters, which may have a tendency to satisfy the public mind of the solvency of the institutions and of their ability to redeem their paper at the will of the holder."

Governor Mason, as already appears, was outlining legislation commensurate with a liberal State policy, and unquestionably the policy in which he in common with the

people generally entered with the most enthusiasm was the policy of internal improvement. But enthusiastic as he was, his utterances and recommendations upon the subject were of a practical and, if the policy was to be entered upon at all, of a very reasonable nature. Said the Governor, "The first measure to be adopted in carrying into successful effect this branch of our State policy is immediate organization of a board of internal improvement. Under the direction of this board, the surveys essential in legislating safely with reference to contemplated works of improvement should be made during the present year, so that at the next session of the Legislature measures may be adopted for the immediate commencement of such canals, railroads, and other public works as may then be sanctioned and designated. Competent engineers should be employed under the direction of the State board, for without the evidence of their estimates and investigation no important work should ever be ordered by the Legislature."

At the previous session of the Legislature, that body had authorized the Governor to negotiate for the surrender to the State of the charters of certain railroad companies that had been granted incorporation. Of the companies solicited, only the Detroit and St. Joseph, later to become the Central, and the St. Clair and Romeo responded. Adverting to the offers made, the Governor repeated his former suggestion, saying, that in case "the Legislature should determine not to receive the exclusive charge of the public works of the above character, I would again suggest that the State take such an amount of stock in the chief routes which have or may be ordered,

as will secure to the people a controlling influence over them."

Recognizing the great possibilities of the newly acquired Upper Peninsula, he recommended the construction of a ship canal around the Falls of the River St. Mary, and inasmuch as it was a work of national character, he suggested that Congress be memorialized for an appropriation to that end. For the carrying out of the general scheme of public improvements he recommended a foreign loan thus indicating the general lack of appreciation of the extent of the work in contemplation,—or, what is possible, not contemplating the extensive works that were ultimately ordered,—by recommending a loan of five million dollars "as sufficient to accomplish all the important public improvements demanded by the State for the present."

If there was criticism of the Governor's position as outlined in his message, it was not shown by the press. Even the Whig paper quite generally commended its main features, and expressed disapprobation only of the treatment accorded the statehood and boundary question. The Legislature at once applied itself to the duties at hand, following the matters of general interest to the consideration of the topics suggested in the Governor's message. The Governor was at once authorized to appoint a private secretary, the position being given to Calvin C. Jackson, a young man but recently from New York. A few days later, a resolution was passed which marked the beginning of the State Library; placing it in charge of the Governor's secretary, to be conducted under such rules and regulations as he, under the direction of the Governor and the approval of the Legislature,

might establish. For this purpose the Legislature later made an appropriation of two thousand dollars and provided for an appropriation of one thousand dollars annually for the next five years. The expenditure of this money was placed in the hands of the Governor, the president of the Senate and the speaker of the House. Although Jackson became the official librarian, and as such drew fifty dollars the first year for his services, a large portion of the actual duties of the position was performed by Oren Marsh, a young man who for three years or more had been connected with the education efforts of the city of Detroit.

The first measure of importance to receive legislative attention was the act creating the office of State Geologist and providing for a geological survey of the State, which received executive approval on February 23. This act provided for annual reports to the Legislature and carried appropriations of three thousand dollars for the year 1837, six thousand for 1838, eight thousand for 1839, and twelve thousand for 1840. That the pioneer Legislature was brought to see the value of a project of this character speaks as highly for the diplomacy of Dr. Houghton as his subsequent achievements did for his scientific abilities. For years afterward, stories were told of certain members who were at first emphatic in their protests against the expenditure of money for what they denominated "foolishness," after an evening spent at the home of the genial doctor where no word was said as respects the pending bill but where they were entertained by the well-stored mind of the scientist and made to see the manifold advantages to be derived from his knowledge in the discovery of the natural resources

of the State, left his home not only the doctor's warm friends but as the supporters of the bill for a geological survey. Needless to say that on March 3rd, following the approval of the act, the Governor nominated, and four days later the Senate confirmed, Dr. Douglass Houghton as State Geologist, a position in which he was destined to render most signal service alike helpful to his State and Nation.

In conformity with the Governor's recommendation, provision was made by resolution for the selection of three commissioners to study the question of prison management and discipline, and to receive and examine proposals for the location of such an institution and later to report their conclusions to the Legislature. It was a year later in pursuance of the report of this commission that the State Prison was located at "Jacksonburg." Envious competing localities insisted that they had offered inducements for the location to the State, while the citizens of Jacksonburg had been wise in offering all inducements to the commissioners.

At this session through the personal effort of the Governor, the good priest Martin Kundig received a belated and insufficient recognition for his financial sacrifice in relieving the poor and distressed during the cholera scourge of three years before, in the form of a gift of three thousand dollars. This is said to be the single instance in our history of a reward or pension for philanthropic service, and surely the State chose a worthy and exceptional example; for even after the receipt of the gratuity, his obligations in the care of the poor and needy which fate had committed to his charge, were such that his entire property and personal effects were sold by the

Sheriff to satisfy debts he had contracted through the prompting of his charitable instincts. It was nearly twenty years later before the good shepherd could say that he was free from the debts he had contracted while giving care and comfort to the poor and friendless of Detroit.

The law for the organization and support of primary schools received approval on the 20th of March, and carried into effect the recommendations of Superintendent Pierce; in substance it is still the law of the State in its application to primary education. On the same day the University was by action of the Legislature located at Ann Arbor; but not until the ambitious village of Palmer, then the county seat of St. Clair County (now city of St. Clair), had filed with the Legislature a numerously signed petition and had exerted all the influence within its power to secure its location at that place, which could then boast the possession of three stores, two sawmills, a gristmill, a chartered bank, a newspaper, a lawyer, four physicians, and strong hope in all the people that the town would be made the eastern terminus of one of the lines of the railway which it was likewise hoped would be projected westward across the peninsula. The law for the organization and government of the University had been approved two days before. The Act and its subsequent amendment at the same session made provision for three departments; the department of literature, science and art, the department of law, and the department of medicine. The government was vested in a Board of Regents to be appointed by the Governor, he being ex-officio president of the board; the Lieutenant Governor, the Judges of the Supreme Court and the Chancellor of the State

were by virtue of their offices likewise members of the board. Three of the appointed members were to vacate their offices yearly. Besides being the governing body of the University proper, the Board of Regents, with the Superintendent of Public Instruction, was empowered to establish branches of the University, or academies, in different parts of the State. The branches were prohibited from granting degrees, but were required each to maintain a department for instruction in agriculture and a department for the education of teachers for the primary schools. The branches were, in fact, designed to fill the place of preparatory schools or of high schools, by which they were subsequently superseded. Governor Mason indicated his hearty interest in the University, which was as yet without buildings or professors, by the Board of Regents he appointed; the twelve were John J. Adam, John Norvell, Ross Wilkins, Seba Murphy, Isaac E. Crary, Lucius Lyon, Jonathan Kearsley, Henry R. Schoolcraft, Samuel W. Denton, Gorden C. Leach, George Whittemore, and Zina Pitcher, all men of the highest character and first abilities. The board, upon its organization, decided to establish several branches, rightfully assuming that for a few years their instruction would necessarily precede the work of the central University. The University branches authorized were to be established at Detroit, Pontiac, Centreville, Niles, Grand Rapids, Palmer, Jackson, Monroe, Kalamazoo, and Mackinac. Several of these institutions went into successful operation and for many years rendered valuable service in the field for which they were designed. It was not until the next year, 1838, that the State loaned to the University $100,000 with which

to begin building operations. The Board of Regents at this time, to prepare for the opening of the institution, appointed Dr. Asa Gray, who later achieved a national reputation as a botanist, to the professorship of botany and zoology and sent him to Europe empowered to purchase $5,000 worth of books as the nucleus of a library, which has since grown to more than three hundred thousand volumes.

During the legislative session, the members evidently felt the need of the Attorney General at the seat of government, and inasmuch as the Attorney General, Daniel LeRoy, resided at Pontiac, the Legislature by resolution on the 13th of March provided that it should be thenceforth the duty of the Attorney General to reside at the seat of government; and provided further that the office should be deemed vacant upon his failure to do so. It is quite possible that the $200 salary which was then paid to the office was not sufficiently alluring to induce the removal of the Attorney General from Pontiac to Detroit; at any rate the office was a week later considered vacant and on the 21st the Governor nominated and the Senate confirmed Peter Morey of Tecumseh for the position. The salary of the office on the same day was increased as was that of the Auditor General to $400 annually; while that of the Treasurer was likewise increased to $500, of the Secretary of State to $1,000, and of the Superintendent of Public Instruction to $1,500 per year.

The three measures passed at this session which more than any other enactments became the subjects of general discussion, were the banking law, the law providing for a system of internal improvements, and intimately

connected with the latter law, the law authorizing the five million dollar loan. These three laws formed the basis of a State experience that has been a powerfully continuing factor in the history of the State. That the experience was disastrous goes without saying; but it is equally true that to a great degree the disasters proceeded quite as much from the inopportuneness of the undertaking, as from fundamental defects in the laws under which the projects were prosecuted. This is especially true of the projected works of internal improvement.

The "wild cat" crisis or panic of 1837 will live long in the history of the State, but its causes were rather national than local in character; although as would be expected the general conditions were either intensified or alleviated by incidents that were entirely local. Michigan, perhaps to a greater extent than neighboring States, shared both in the delusive prosperity of 1836 and the enlightening disasters of 1837 and subsequent years, but the causes in both instances were to be found in large measure in issues that had to do more with national than State concern.

Since the rechartering of the Bank of the United States and the commencement of business in 1817, it had grown to be one of the richest and most powerful corporations in the world. For twenty years it had furnished a currency that had been freely accepted by the people in all parts of the country, and because its own notes were good it exerted a marked influence in requiring the smaller banks of the various States to maintain their currency at the same standard. It had paid annual dividends of from 8 to 10 per cent and could now show a

surplus of astonishing proportions. Although of unquestioned stability its very strength had brought it enemies and matured a sentiment that its tremendous powers were inimical to free institutions. A large and growing body of citizens were convinced that it was in contravention of both the Federal Constitution and good policy, that the National Government should be in league with a corporation that fattened upon the deposits and controlled the currency of the country. The charter of the bank would expire in 1837; and President Jackson, following his election in 1833, had made it plain that he would withhold his signature from any bill that Congress might pass to renew it, a position he vigorously maintained to the end of his political career.

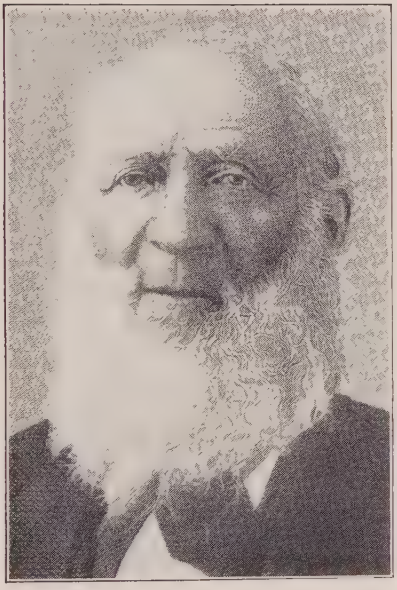
During the twenty years of peace, prosperity had blessed the land to such an extent, that the national debt had been cancelled and there was now a surplus of $40,000,000 in the treasury above the needs of government. After a bitter contest, this surplus was withdrawn from deposit with the Bank of the United States. If this action induced tremors in the financial institutions of the country, they were not apparent, for the surplus, instead of being concentrated in one institution, was now deposited in the banks of the various States, which because of their selection became known as the "pet banks." As much as $1,895,000 was deposited with the banks of Michigan, one and a half million dollars being on deposit with the Bank of Michigan and the Farmers' and Mechanics' Bank of Detroit.

With the Bank of the United States forced to retire its circulation and to seek a semblance of perpetuity as a State bank under the laws of Pennsylvania, as the Penn-

sylvania Bank of the United States, and its deposits including the great deposit of the National Government transferred to the various State banks with no national institution created to take the place of the great bank eliminated, we can now well understand what happened even though it could not then be foreseen. State banks, left as the exclusive occupants of the field, multiplied with great rapidity. Even before the expiration of the charter of the Bank of the United States anticipation had started the increase. The abnormal deposit in the State banks, coupled with inflated issues of bank currency, at once inflated values far above the normal and induced an era of the most extravagant speculation, especially in the unimproved public lands. The unprecedented immigration to Michigan lent especial emphasis to this form of investment. The extent of this investment is shown when we know that the total land sales in all the States and Territories of the Union for 1836 was a little more than $25,000,000, while the sales in Michigan alone were $5,241,228.70. But the fallacious prosperity was soon to end. The national authorities soon discovered that the bank notes of the State banks were displacing the metallic currency of the country, and that the National treasury was accumulating a paper currency of doubtful value in payment for the public lands. With the triple purpose of putting the finances on a safer basis, protecting the treasury and putting a stop to the wild speculation of the time, the Secretary of the Treasury under the direction of the President on July 11, 1836, issued the famous so-called "Specie Circular," whereby government officials were required to accept nothing but gold and silver in payment for the public lands. This

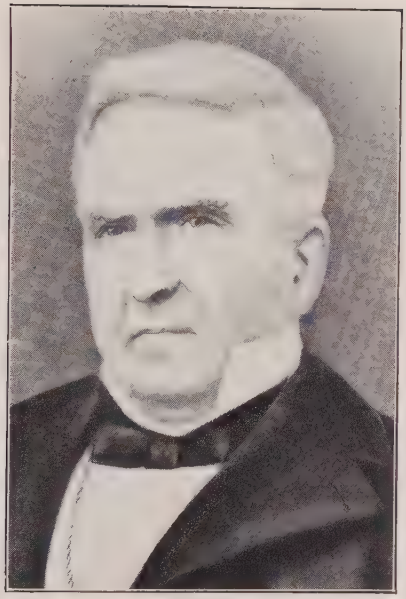
new demand for specie sent the paper currency back to the banks of issue for redemption, entailing a stringency in the money market that forced many banks not favored with government deposits into liquidation. Another measure well fitted although not intended to still further derange the already perturbed financial condition of the country, had after long debate in Congress become a law on June 15, 1836, whereby all of the surplus revenue in excess of $5,000,000 then on deposit in the so-called "petbanks" was to be divided after January 1, 1837, among the States as a loan, to be recalled by direction of Congress. By this act $28,000,000 was taken from the banks and distributed among the several States. Of this distribution Michigan received $286,-751.49, which the Legislature placed to the credit of the internal improvement fund as a loan to be returned when the contemplated loan for internal improvements was obtained or whenever requested by the Legislature. The demand upon the banks for this great sum, which in many instances had been loaned in the general course of business, necessitated the sudden calling in of loans, the still further shattering of public confidence and the precipitation of the panic of 1837, a financial disaster the like of which had never before been experienced in America. It was in conflict with such conditions that the Michigan legislators launched the fond-thought enterprises of their aspiring State, and to the correction of which they sought to apply remedies of their own devising.

Much has been written in critical and derisive vein of Michigan's "wildcat" banking law; but time and conditions considered, nothing was more natural in legislation than that a State banking law should have been



JOHN D. PIERCE
First State Superintendent of Public Instruction.

DOUGLASS HOUGHTON
First State Geologist of Michigan. Drowned in Lake Superior in 1845.



DR. ZINA PITCHER

Army surgeon, Mayor of Detroit, 1840-42. Whig candidate for Governor in 1843. Regent of the University of Michigan for several terms from 1837 to 1852.

enacted. · It was in line with the legislation of other States, and there was a general feeling that in the development of the country there was an insufficiency of currency with which to transact the volume of business. Michigan's disastrous experience with the banking law of 1837 resulted quite as much from the rascality of men who ignored and evaded the requirements of the law as from defects in the law itself. The salient features of the law embraced the following provisions: Any number of persons residing within a county including twelve freeholders among their numbers could organize a bank with a capital of not less than $50,000 nor more than $300,000. Numerous safeguards were placed around the subscribing of the stock; provisions were made insuring that at least one-third of the stock should always be owned by residents of the county. Before commencing business all the stock must be subscribed and thirty per cent of the same was to be paid in in specie. Ten per cent of the stock was to be paid in each six months thereafter until all the capital was paid in. Before beginning operations the president and directors were required to furnish security in the form of bonds and mortgages upon real estate within the State or the personal bonds of resident freeholders, to be approved by the county treasurer and the county clerk and filed with the Auditor General, which securities were to equal the full amount that any association might at any time have in circulation or be indebted. Neither the circulation nor the loans and discounts were to exceed twice and a half the amount of the capital stock paid in. Heavy liabilities were placed upon both stockholders and directors. Provision was made for explicit reports and rigid examin-

ations by a commissioner to detect and prevent fraud. The New York Safety Fund scheme was also incorporated in the law, whereby it was designed that each bank should contribute semi-annually one-half of one per cent upon capital stock paid in until a fund of three per cent was accumulated. Such a fund it was thought would be sufficient to make good all deficiencies that might arise from the failures of single corporations. A general condition of bankruptcy and failure without assets was not within their imaginings.

In the passage of the bill through the Legislature, it received consistent opposition from but one or two members. In the House it passed by a vote of 34 to 4; the 34 including such men as Kinsley S. Bingham, Warner Wing, George W. Wisner and Edwin H. Lothrop, while the four in opposition were Jonathan P. King, Alpheus Felch, Charles W. Whipple and Robert Purdy, all of whom save Alpheus Felch and Robert Purdy had previously supported the measure at various stages of its passage. In the Senate the vote was equally decisive, being 15 to 1 for the bill. John McDonell of Detroit was the lone Senator in opposition. At the legislative session of 1836 provision had been made for the appointment of a banking commissioner, and Governor Mason had nominated and the Legislature had unanimously confirmed Robert McClelland of Monroe in the position. The records do not disclose but it is evident that Mr. McClelland did not accept and that Marshall J. Bacon was appointed *ad interim*. His first report was laid before the Legislature January 5, 1837. Upon the passage of the general banking Act of March 15, 1837, the Governor

nominated and the Legislature confirmed Edwin N. Bridges of Cass County to the commissionership, the duties of which position were evidently not considered of an onerous character as the office carried a salary of but three hundred dollars per year.

One looks in vain in the law itself for the provisions that were to be warrant for all the financial mischief that followed its enactment. Of the law, one writer has said, "There are in these provisions all the elements apparently of safe banking, including the payment of capital stock in specie, personal liability of directors and stockholders, careful examination by bank commissioners and frequent examination and sworn statement by the directors."

John J. Knox, ex-comptroller of the treasury has likewise told us how near Michigan came to enacting a good banking law. Said he, "The first State to embody this principle of requiring banks of circulation to deposit securities with the governing power, was Michigan. That State in 1837 adopted a general banking law, by which the banks were required to deposit bonds and mortgages and personal bonds. This was in accord with the views of Albert Gallatin." In practical operation of the law, however, the carrying out of its provisions was of necessity intrusted in many instances to men entirely wanting in the knowledge of even the fundamentals of banking, and even had they been disposed conservatively to follow and conform to all legal requirements, they would not have had experience sufficient to have promoted public confidence. But mistaken guidance and honest errors contributed but little to the unwholesome

memory with which the people later viewed the law, for its every precautionary and salutary requirement was recklessly and criminally disregarded and it was made the excuse or means of the most glaring frauds and deceptions.

In the matter of internal improvements the Legislature joined the Governor in hearty approval of the scheme, even exceeding his enthusiasm by refusing to entertain consideration of the conservative restrictions his message had suggested. His suggestion that the State become a subscriber to the stock of the principle works of internal improvements, and thus combine the State's resources with the interest and enterprise of the individual, seems not to have been considered at all; and his recommendation that no work be undertaken or appropriation made until the Legislature had had before it the surveys and estimates of competent engineers was followed in altogether too limited a degree. The weakness of the scheme was soon apparent. Had the State been able to concentrate its resources and energies upon one venture of paramount importance, it would have accomplished results of a very desirable nature; but the average member of the Legislature could not contemplate with satisfaction a scheme of internal improvement where his own and his constituents' interests were not to receive a benefit of a direct and positive nature until years in the future, while in the meantime some other section had been enjoying the benefits of their contributions. No satisfactory scheme could be worked out that did not embrace the whole State. Petitions from the remote places of the State showed that even there the

lonely pioneer was imbued with the desire for a broad scheme of internal improvements. The opposing party press even joined in the demand, the *Advertiser* of February 2nd, 1837, saying editorially, "From all indications of public opinion in the Legislature, and out of it, we conclude that the State has determined to prosecute a magnificent system of internal improvements. This, if judiciously accomplished, will enrich the State immeasurably beyond the cost of the work if past and present experience is not entirely at fault."

In a report nearly twenty pages in length, Mr. Elisha Ely of Allegan, chairman of the House committee on internal improvements, with figures and rhetoric told the House of the marvelous transformation that would be wrought by the work to be instituted. Says the report, "The more the subject is investigated, the wider extends the field and the more worthy it appears of attention. Its consequences to Michigan are incalculable. Her future prosperity is, in the opinion of your committee, inseparably interwoven with the progress of internal improvement. By it alone, she can attain the political importance so necessary to protect her from the want of a due weight in the councils of the nation." In another burst of eloquence it says, "A few leading routes in successful operation will excite the enterprise of every section of the country, while it will create and allure capital for the more rapid fulfillment of every design."

On March 20, 1837, the law to provide for the construction of certain works of internal improvement was approved by the Governor. The law provided for the survey and establishment of three lines of railroads

across the State, to be designated as the Central, the Northern and the Southern. The Central involved the purchase of the Detroit and St. Joseph, then under course of construction between Detroit and Dearborn; Detroit and the mouth of the St. Joseph river being established as its termini; the Southern was to commence at the navigable waters of the river Raisin, pass through the village of Monroe in the county of Monroe, and terminate at New Buffalo in the county of Berrien; the Northern was to commence at either Palmer (St. Clair) or at or near the mouth of Black River in the county of St. Clair and to terminate either at the navigable waters of the Grand River in the county of Kent or on Lake Michigan in the county of Ottawa. Five hundred and fifty thousand dollars was appropriated for these works, anticipating of course a loan that should later be made for the purpose. Of this sum one hundred thousand dollars was to be for the Southern, four hundred thousand for the Central, and fifty thousand for the Northern. Forty thousand dollars was likewise appropriated for the construction of a canal or for a canal part of the way and a railroad the remainder of the way commencing near Mt. Clemens on the Clinton River to terminate at or near the mouth of the Kalamazoo River, while fifteen thousand dollars was appropriated for the purpose of a canal connecting the waters of the Saginaw and Maple rivers. These last two ventures were to be undertaken only in the event of the commissioners' being convinced of the practicability of the work. Surveys were also authorized for the St. Joseph, Kalamazoo and Grand rivers with a view to their improvement by slack-water navigation;

and for the purchase of instruments and for the survey of canal routes and rivers twenty thousand dollars more was appropriated; while a like sum was provided for the purchase of the Havre Branch Railroad, a railroad designed to extend from the village of Havre seven miles above Toledo, westward a distance of about thirteen miles to the intersection of the Erie and Kalamazoo Railroad then in operation from Toledo to Adrian. One detects here an effort to build up a rival on Michigan soil to the city on the Maumee that had preferred to cast its lot with Ohio. But Havre, like many another "city" of its day, has long since passed from the minds of all save those who seek the record of the past.

While there was for a time some difference between the House and Senate over the provisions of this bill, the differences were ultimately adjusted by a committee of conference; the bill passed the House without a dissenting vote, while in the Senate it passed with a vote of 13 to 1; the lone opposer was Randolph Manning, and he opposed details rather than principles.

On March 21, executive approval was given to the Act appropriating $25,000 for the purposes of the St. Mary's Canal in case the survey and report of the engineers should be favorable to the project, which was to be undertaken without "any unreasonable delay." On the same day acts were approved providing for the appointment by the Governor and approval by the Legislature of a Board of Commissioners on Internal Improvements, who were given broad powers in the construction and operation of the State works, and authorized the Governor to negotiate a loan not exceeding five million dollars with

interest not exceeding 5½ per cent per annum payable in New York or elsewhere in the United States and redeemable at the pleasure of the State at any time from and after twenty-five years from January 1, 1838. The bonds were not to be sold at less than par; the proceeds were to be credited to the fund for internal improvements from which all contingent expenses of the Governor in negotiating the loan were to be likewise paid. Into this fund were also to go the contemplated earnings of the canals and railroads for the eventual repayment of the principal and interest of the loan.

The Governor at once nominated as members of the Board of Commissioners of Internal Improvements Daniel LeRoy of Oakland, Hart L. Stewart and John Barbour of Berrien, David C. McKinstry of Wayne, Levy S. Humphrey of Monroe, Gardner D. Williams of Saginaw and Justus Burdick of Kalamazoo. The Legislature in joint convention promptly confirmed all the nominations, excepting the nomination of Daniel LeRoy, who, the Legislature still remembered, had refused to remove to the seat of Government as Attorney General. The Governor accordingly sent the name of James B. Hunt of Oakland County to the Legislature, which was at once accepted and confirmed.

The legislation, aside from the measures mentioned, was as would be presumed of an extensive and varied character involving the organization of townships, the incorporation of villages, and the creation of corporations to engage in all the varied enterprises that were just then so full of promise. The Legislature adjourned March 22, to reconvene the following November 9, by

which time it was presumed the $5,000,000 loan would be negotiated and other matters matured so as to require legislative action. Even the organs of the opposition credited the Legislature with having enacted "highly important measures, most of them conceived in a spirit of enlightened policy highly creditable to the body;" although two weeks before, the same paper had said that if they appropriated money to pay the per diem and expenses of the "Frost-bitten Convention" "They will deserve to be brow-beaten and pelted with billets by a mob assembled around their bar as the French Revolution assembled in 1790." Such was the contemporary conception of the relative merits of the issues considered by the Legislature of 1837.

Although the winter had been filled with arduous duties, which, from the Governor's letters to the absent members of the family it is apparent he fully appreciated and zealously labored to discharge, the weeks did not pass without the usual round of Detroit's midwinter gaiety, in which the dignitaries of State joined with as much zest as the more care-free portions of the community. There were interesting meetings at the Young Men's Society, and lectures at the Capitol. There were receptions at the homes of substantial citizens where cultured hospitality made all at ease, and there were gatherings at "Uncle Ben's," where the nights were none too long for the geniality and goodfellowship that there assembled. On January 20, the announcement was made of the arrival of the long-expected locomotive "Adrian," No. 80, from the Baldwin works at Philadelphia, the first one sent to the Northwest, and the third one west of the

Allegheny Mountains, to supersede horse-power upon the Erie and Kalamazoo between Toledo and Adrian. It was a month later, on Washington's birthday, February 22, that the Legislature attended in a body before the American Hotel, where in the presence of a large gathering of citizens, Governor Mason in a speech of patriotic sentiment, presented to the Brady Guards resplendent in their smart uniforms, a standard bearing upon one side a portrait of the Governor and on the reverse side the picture of a lady, a Brady guardsman, and the Michigan coat of arms; it being unquestionably the first flag upon which was depicted the design of the State seal. To the presentation Captain Isaac S. Rowland responded, and, with standard flying, the company marched back to their quarters to be later congratulated by press and public on the grace with which their part in the program had been performed.

It was but a few days later, on March 13, that the friends of the Governor, through John Norton, Jr., Thomas C. Sheldon and Andrew T. McReynolds, presented to the State in the following communication the life-sized portrait of the Governor, which from that day to this has been the portrait of keenest interest among all those which adorn the halls of the State Legislature.

"To the Hon. C. W. Whipple, Speaker

"Of the House of Representatives

"A number of the citizens of Michigan being desirous to preserve the features of their first Chief Magistrate, have caused a portrait of their Governor to be executed. This portrait they offer for the acceptance of the State, through the medium of the representatives of the people, with the request that it shall be placed in the Hall of

the House of Representatives as an evidence to future times of the affection of his fellow citizens for the man, and their respect for the magistrate, and as a memorial of the officer whose virtues have adorned, and whose talents have dignified, the opening annals of the commonwealth of Michigan.

"JOHN NORTON, JR.
"THOMAS C. SHELDON,
"ANDREW McREYNOLDS."

With these and kindred subjects was the public mind occupied as well as with the serious affairs of State and National politics.

CHAPTER XV

Financial Difficulties and the Election of 1837

FOR some six or seven years party political feeling had been growing in intensity and bitterness, as grave questions of a governmental nature were now beginning to press for solution. The Democratic-Republican party, the party of Jackson, had governed with a vigor and with a violation of precedence, which, while it had made loyal adherents, had likewise made bitter enemies. The growing agitation of the Anti-slavery Society and the constantly growing influence of the great power against which its efforts were directed, and strain of adapting government and society to new and untried conditions, all tended to create issues which under the state of general education then existing aroused personal and political antagonism of the most vehement character. The feeling of the time not only prompted resort to the political methods best calculated to accomplish desired ends, but it prompted as well the most ungenerous criticism and unjustified reflections upon the honor and character of political opponents as those intrusted with the conduct of political affairs. This was especially true in Michigan, where national issues had been supplemented by considerations of State concern well calculated to further divide contending factions. The Whig party had been growing vigorously since 1832, and the gathering clouds of financial disaster now gave it an opportunity for criticism that was to be most telling and effec-

tive; as arguments addressed to the pocketbook, whether based upon fact, fiction, or sophistry, always are.

Michigan was now approaching what was to be its first vigorously contested political campaign wherein State officers and members of the Legislature were to be selected. The election of 1835 had been almost without organized opposition to the Democratic-Republican ticket, and so could hardly be dignified as a contest. There was now likewise a member of Congress to be elected. The term of Isaac E. Crary who was not allowed to take his seat until January 27, although elected in November 1835, expired with the twenty-fourth Congress, March 4, 1837. For some reason, perhaps because it was not known how long the State might be kept out of the Union, no member of Congress was elected at the preceding November election, and so the State found itself without a Congressman after March 4. To remedy this condition, the Legislature later provided for a congressional election to be held on the 21st and 22nd of August 1837; the election was called at this time undoubtedly so that the State might have representation in the Lower House of Congress, at the special session which President Van Buren had called to meet on the 4th of September following. The politicians of the State were early canvassing the situation and making ready for the contest. It was soon evident that the Whigs would make an eminently respectable showing at the election, for the financial affairs of the country, instead of mending, continued to grow more distressing as the weeks advanced. The banks still more severely called in their loans, the best paper went to protest, and failures became alarmingly frequent. Even as the Legislature adjourned, peo-

ple wondered if a suspension of specie payment was to be the outcome of the situation. Every traveler and newspaper from the East brought doleful tidings of the financial outlook, and the people were not surprised when on the morning of May 16, a citizen of Detroit returning from New York announced that the blow had fallen, that the banks of that city had suspended specie payment one week before.

In a few hours hand-bills were on the streets calling a citizens' meeting at the City Hall, where a few hours later the gentlemen of business interest in the city gathered and listened to a recital of the conditions in the East and to the reading of the proceedings that had been taken by certain other cities. The meeting at once passed resolutions requesting the banks to suspend to save their specie, which they did the following day, the officers of the banks a little later assuring the public through the newspapers that their specie should be held and not sold for a premium such as then prevailed. Governor Mason was at once importuned by the leading men of both parties to call a special session of the Legislature to legalize the suspension of specie payment, as was being done by the executives of other States. Petitions were printed and freely circulated both in Detroit and in the interior of the State, receiving the signatures of the leading citizens in the banking as well as in the business world.

Convinced there was no alternative for Michigan but to follow the lead of the older and stronger States of the East, the Governor issued his proclamation convening the Legislature in special session on June 12, 1837. At the same time he directed the Bank Commissioner to

make a careful examination of all the banking institutions in the State, so that a detailed statement of their condition could be laid before the Legislature upon its assembling. As the Legislature was convened to deal exclusively with the financial situation, the Governor's message was devoted to the consideration of that one subject. On the fundamental phases of the subject the message followed his ideas embodied in the message of January 2nd and most certainly showed a clear conception of the principles involved, whether he had well in mind all the details essential to making those principles effective or not. Said he:

"The present crisis in the moneyed affairs of the country is such as should bring us to a pause and induce us well to reflect upon the causes that have led to it. It should teach us, although we may learn the lesson of wisdom by sad experience, to avoid in future, the seductive career of apparent, but unreal prosperity, which the nation has lately pursued and which has brought us ultimately to the very verge of general bankruptcy. Let us seek out the true sources from whence these evils have arisen, and henceforth avoid them; bearing in mind, that like causes if hereafter sanctioned by the people, must again bring about the very like calamitous results which we now deplore.

"By the universal consent of all nations gold and silver has been made the currency and standard of value with the great commercial world. But the scarcity of these metals has compelled most governments of extensive trade and commerce to create a representative currency to answer the immediate purposes of domestic exchange. In the United States this representative is composed of

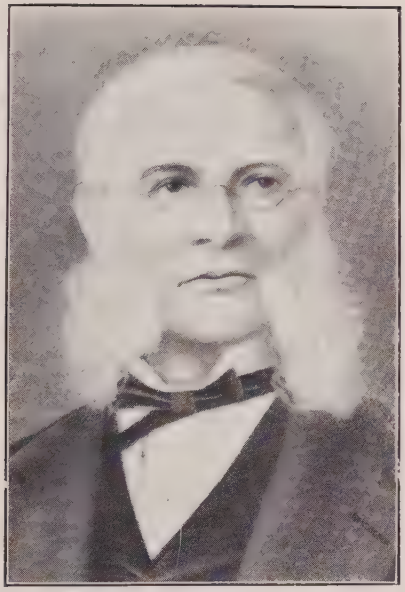
the paper issues of authorized banking associations, having a metallic basis created and pledged for its redemption. The notes of these associations are received at home in all exchanges, and constitute the far greater portion of the circulating medium of the country. But, as a general rule, in the exchange and commercial intercourse with foreign nations the ordinary bank issues fail to answer the demands of trade, and resort must be had to gold and silver, or the products of labor through the medium of exportation.

"The debt owed by one nation to another, cannot be paid but with *real effects,* either in coin or commodities; where both these sources fail, pecuniary embarrassments must fall upon the nation, against which the balance of trade exists, and the debt created can only be cancelled by bankruptcy. These are the first principles of commercial relations; are applicable to nearly all nations, and are as invariable in their operations as the laws of nature.

"We may trace, however, in a very great extent, all our present pecuniary embarrassment to one fatal error into which the country has fallen. The error is to be found in our system of over banking. The excess of bank facilities and bank issues has made the representative of money too abundant and has consequently brought in its train the evil of our over trading and speculation the augmentation of prices already high increased unwarrantable investments in unproductive lands, and foreign imports beyond the wants and means of the nation. It is admitted that the great enterprise of the American people demands, in a greater or less degree, a paper currency, the precious metals not being sufficiently abundant to

ERIE AND KALAMAZOO COACH—ADRIAN
Operated on strap-rail line between Adrian and Port Lawrence (Toledo) from 1836.

"THE MICHIGAN"—AFTER LEAVING THE ISLAND IN THE SPRING OF 1834



CHARLES C. TROWBRIDGE

Regent of the University of Michigan 1837-1841, and President of the Bank of Michigan.

answer all the ends of the circulating medium required by the multifarious interests of a widely extended and constantly increasing country. But this paper medium must be limited and should be restricted in its circulation so as not to exceed in too great an amount the metallic basis which it is made partly to represent.

"What are the effects of excessive bank issues upon a community, as proclaimed by the simplest principles of political economy? They are, the depreciation of bank paper, an increase of the price of all commodities, an extension of excessive credits, the neglect of productive labor, and a country involved in debt. The banks are called upon for specie to pay the debt of the country; their specie will not meet their outstanding issues; confidence is shaken; runs are made upon them; they are compelled to contract their loans and call in their discounts, and a general pressure, if not bankruptcy, are the inevitable results that follow.

"The condition of the United States, at the present time, is a perfect illustration of those principles. The recorded history of the different States show millions of an increase in bank facilities; money or rather its representative, has become abundant; credits have been unparalleled; our land offices tell of a dead capital of millions buried in unproductive lands; our custom houses, deducting profits, freight, and difference of valuation, present a balance of trade against us of millions by importation; our circulating medium has depreciated, or what is the same thing every other exchangeable commodity has risen, and Europe has exhibited the strange phenomenon of under selling us on our own shores in the exportation of her bread stuffs to America. A revul-

sion now begins. Our debt must be paid to Europe. The banks of the Atlantic cities are unable to furnish sufficient gold or silver on their issues to meet the demands; runs are made upon them, and the result has been a universal pressure and a general suspension of specie payments in order to prevent general bankruptcy."

After addressing his thought to the processes of recuperation which he said would come "through a gradual diminution and absorption of bank issues; a curtailment of a too extended trade; a cessation from mad investments of capital in unproductive lands; a resort to frugality and an application to honest industry," he called attention to the crucial question before them, the suspension of specie payment, reluctantly suggesting that legislative sanction be given to the proceeding, because it has been accorded in New York,—"a State," as he said, with whom we have "intimate financial and commercial relations,"—arguing that Michigan could not withstand the current which was everywhere flowing around her.

"As the only alternative," he concluded, "although a deplorable and hazardous one, I would recommend the passage of a law exempting all the banks reported as safe and solvent by the Bank Commissioner, for one year or until the resumption of specie payments in New York and other States from the liabilities of a forfeiture of charter for declining to pay specie on their notes. A law to this effect would avoid the constitutional question of impairing the obligation of contract, and would leave the billholder his remedy at law against the bank, should he choose to adopt it.

"Should you deem the passage of such an Act requisite, its provisions, however, should be rigidly scrutinized and strictly guarded so that the public may feel a perfect confidence in the ultimate redemption of the issues of the banks. In the first place, I would suggest, that the law should be made applicable to the safety fund banks, and such others, as within a limited period come within the provisions of the "Act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," and also that the banks be required to receive on deposit and in payment of debts due from *individuals,* the notes of each other. These provisions if adopted, will give uniformity to the circulating medium, and prevent any one bank from discrediting the bills of another. Each bank should be compelled also, if practicable, to retain its specie now on hand, and to exhibit periodically to the Bank Commissioner the fact that it is still continued in their vaults with the exception of such sums, as they may voluntarily choose from time to time, to pay out in redemption of their notes, or for other authorized purposes. The great object to be desired, is to prevent the banks from selling their specie at a premium, and you should by your act, visit upon such institution thus disposing of its specie, the severest penalties together with the forfeiture of charter.

"It is highly desirable, likewise, that the banks should be restricted in their issues to such an amount, as will answer the reasonable wants of the public, without suffering them to expand their circulation to such an extent, as would retard the resumption of specie payments, a measure highly demanded by the interests and character of the country. And in order to secure a rigid enforce-

ment of the provisions of this law, I would recommend such an amendment to your present statute, as will clothe the Bank Commissioner and Chancellor with unrestricted authority to close by injunction any institution found violating the rules and restrictions you may prescribe for them." Accompanying the message was the report of the Bank Commissioner with detailed statement from the thirteen banks of the State which showed combined paid-in-capital of $1,697,305, and that unitedly they had specie to the amount of $376,306.52, while their combined circulation totaled $1,417,337.98. The Commissioner prefaced his report with the statement that it "fully demonstrates that the banks of Michigan were under no necessity to suspend specie payments except as a measure of defense to protect themselves from the consequences that must inevitably result from the suspension of the banks in New York and elsewhere."

Whether one took the cheerful view of the situation which seems to have imbued the Commissioner or not, it would seem that all would have agreed that the State was abundantly supplied with banking facilities for the time being, especially as their combined deposits amounted to but $548,747.25, of which nearly $400,000.00 was in the banks of Detroit and their branches. Critics of the Governor have expressed the opinion that he had very little real appreciation of the true situation or he would have recommended a repeal of the general banking law but it is perhaps more nearly correct to say, that he as well as the members of the Legislature did not foresee the rascality and criminality to which certain persons were to resort to evade the law's plainest mandates and most obvious restrictions. On June 22, the Governor

approved an Act for the suspension of specie payments in substantial conformity with the recommendations of his message. It provided for a suspension until May 16, 1838; required banks to accept their own notes in payment of notes and drafts discounted by them; limited the circulation of banks already in operation to from about one and one-half times the capital actually paid in, for the smaller banks, to an amount equal to the amount of the capital stock paid in for the banks of $200,000 or more capital; while all banks thereafter organized were limited in their circulation to one and one-half times the specie actually paid in and contained in the vaults of the bank. Banks were prohibited from disposing of their specie; from directly or indirectly purchasing their own or the notes of any other bank at a discount, and from declaring dividends during suspension. Banks were required to make monthly statements and the Bank Commissioner given enlarged and ample powers to forfeit the charter and wind up the concerns of any bank he should find to be in a dangerous or insolvent condition. This bill was passed by substantial majorities in each House of the Legislature; even Alpheus Felch, who had been the opponent of the general banking law, giving his endorsement to the measure for suspension, as did likewise thirty other members out of the forty present and voting. Upon approval of the suspension law the Legislature adjourned and again the people hoped that the worst was over.

During the winter the old home life of the Governor was disturbed by the separation of the members of the household; but the later days of June found them reunited, the delicate mother having returned from the

South, whither she had gone to escape the rigors of the Michigan winter, and the girls were again at home from their school at Troy. The legislative session over, the charm of the old home hospitality mingled with the stern cares of state and politics. There were now thirty-seven steamboats plying on the lakes, seventeen of which were owned in Detroit. There were three arrivals daily, and during the early days of the summer not a few visitors of prominence visited the city and were guests at the Mason home; among the number was the noted Captain Frederick Marryatt. The steamboat service between Detroit and Buffalo was now thought to have attained the acme of elegance and comfort, and numerous were the commendatory resolutions carried by the papers which from time to time were adopted by grateful passengers testifying to their appreciation of boats and crews. But while Detroit was thus favored, the western portion of the State was showing the promise of equal enterprise. On Wednesday the 14th of June, 1837, the first steamboat constructed in western Michigan slid from the ways into Grand River at the pioneer village of Grand Rapids. She was built by Richard Godfroy and others and was fitted with engine and machinery taken from the Don Quixote,—a steamer that had been wrecked upon the western shore some time previously, while bearing the press and materials for the first newspaper of the, to be, second city of Michigan. The new steamer was christened "The Governor Mason," and carried an elegant stand of colors, the gift of the Governor in recognition of the honor conferred. The launching of this pioneer craft was a matter of far more than local interest and

was noted by the press of the State as the forerunner of great things that were to follow. Her trial trip was made to Grandville on the succeeding Fourth of July. It may be of interest to know that this first steamboat of the State's interior, bearing the name of the State's first executive, ran irregularly to Lyons and to Grand Haven, and in May, 1840, was wrecked near Muskegon harbor.

Political enthusiasm was now much awakened by the visit of Daniel Webster to Detroit, his son Daniel F. Webster having some time before become a practising lawyer of the place; Mr. Webster arrived on the 8th of July and three days later under the auspices of the Whig organization of the city, he delivered one of his masterful addresses to a large assemblage of citizens in the grove on the Cass farm near First Street between Fort and Lafayette Streets. The address was political in character, and mainly devoted to a discussion of the financial conditions of the country and the responsibility of the dominant party therefor. At the conclusion of the address some five hundred sat down to a dinner with the distinguished guest. The meeting was considered a great success, bringing encomiums from the *Advertiser* and sarcasm from the Democratic press. *The Michigan Argus* said of his speech, "It should be stereotyped and become the pocket companion of office-seeking declaimers in all time to come;" and there is a familiar flavor in its further comment, as it proceeds to say, "The style, the language and the manner, so far as can be judged by the language, are most admirable for his purposes. Full of his hearers and full of himself; in rapture of the country; and in ecstacy with his reception, he talks of his being a plain

man, and a farmer; of wives and children; tells how they do things 'at the north' and pats his neighbor upon the shoulder in exclamation of his own philanthropy."

But even before the Whigs called their meeting, preparations were in progress for the holding of a State convention by the Democratic-Republicans for the nomination of State officers and a member of Congress. The Convention which assembled at the Court House in Ann Arbor July 20, 1837, met in pursuance of a call issued by the Democratic central corresponding committee, as the State organization was then called. Citizens who now hesitate at the loss of a day for the purpose of a State convention should ponder over the efforts of the pioneers who in July 1837, passed weary miles of quagmire and corduroy at a liberal expenditure of time and money, to be present at the gathering of party chieftains. The Convention was called for Thursday, for the week would be none too long for the coming and returning of the greater portion of the delegates. The delegates who assembled were a body of men of whom any State at any time might well be proud. Although clad in homespun, many of them with bronzed faces and toil-stained hands, they aptly typified the mental and physical force required in the building of a State. The gathering was more than a convention, it was a reunion of men whose bond of union was both political and fraternal, born of kindred trials and privations. The Convention proceeded to business on the morning of the 20th by the selection of Hon. James Kingsley of Washtenaw as temporary president and George A. C. Luce of Oakland as temporary secretary. The report of the committee on credentials showed twenty-four organized counties of the State as repre-

sented, each by delegates from among their own citizens, except the counties of Chippewa and Michilimackinac which were represented by proxies held by the redoubtable George R. Griswold and Conrad Ten Eyck of Wayne with two other worthy citizens impressed for the occasion. The report showed one hundred and four delegates entitled to seats, nearly all of whom were present, as many as ninety-six answering to roll call. In the gathering were men who were destined to be forceful figures not only in the political life of the State, but in its business and material development as well. There was John Ball of far away Kent, Benjamin O. Williams of Shiawassee and Thos. Fitzgerald of Berrien. There were Governors and United States Senators to be, in the persons of William Greenly, Kinsley S. Bingham, and Charles E. Stuart. There was Randolph Manning, John J. Adam, Horace H. Comstock, Charles C. Hascall, and a score of others whose memories still live through their achievements. From the county of Wayne one finds the names of John S. Bagg of the *Free Press,* Garry Spencer, Benjamin B. Kercheval, Titus Dort and Eli Bradshaw, politicians who ranged all the way from the casual to the practical and the professional, while from Monroe, Lenawee, Macomb, and Washtenaw, and indeed from many other counties, one catches an occasional name once prominent in their respective localities, but now long forgotten except to him who looks into the records of the past.

The work of the committee on credentials accomplished, the permanent officers were selected, in the persons of James B. Hunt of Genesee as president; Charles C. Hascall, Vincent L. Bradford, Oliver Kellog and Samuel

Axford as vice-presidents; John J. Adam and Kinsley Bingham as secretaries, and a committee on resolutions was appointed, of which John S. Bagg was chairman; the Convention then adjourned until the following day; for the companionship was too congenial, the considerations too weighty, and the way both in coming and returning too arduous to permit of undue haste. On the following morning the Convention proceeded with due deliberation to the nomination of candidates for Governor, Lieutenant Governor and member of Congress. The Governor showed his hold upon the affections of his party by receiving upon a roll call of the Convention the indorsement of the ninety-six delegates who responded to the call, and was declared the unanimous nominee of the Democratic-Republican party for the office of Governor. Informal ballots for nominees for the offices of both Lieutenant Governor and member of Congress disclosed substantial opposition to the renomination of both Lieutenant Governor Edward Mundy and Congressman Isaac E. Crary, the ballot for Lieutenant Governor disclosing fifty-three votes for Mundy, while Warner Wing led the opposition with forty-one. Crary could secure but the votes of fifty-one to the forty-two cast for James B. Hunt. Unable to make further progress, the Convention referred the two nominations to a committee of eight, who, after some hours of deliberation, reported to the Convention that it was likewise unable to agree, when the Convention again took up the question and on the first formal ballot nominated Edward Mundy for the office of Lieutenant Governor, by a vote of fifty-eight to thirty-seven for Warner Wing, and Isaac E. Crary as

candidate for congress by a vote of fifty-nine to thirty-four for James B. Hunt.

The committee on resolutions authorized to issue a future address to the people, offered, and had unanimously adopted, resolutions pledging loyalty to their nominees; felicitating Andrew Jackson with the hope that "he might be as happy in retirement as he had been useful in public councils;" resolved their confidence in the "ability, energy, and democracy" of Martin Van Buren and bespoke for his administration "a broad and liberal policy for the advancement of western interests." It stated its position as to the cause of the financial embarrassment of the country, by declaring it to have sprung "from a spirit of extravagant over trading and speculation produced and fostered by the rapid increase of banks and the excessive issues of paper money," and further declared its conviction "that the best remedy against a recurrence of the evil is, to establish a broader specie basis for our banking system." It "discorded" and "protested" "against the doctrine that the general government is incapable of fulfilling the objects of its formation without the assistance of incorporated wealth in the form of a national bank," and resolved "that the substantial prosperity of the United States will be best promoted by an entire separation of their fiscal concerns from the private concerns of individuals or corporations, state or national." Its central corresponding committee selected, the Convention adjourned and the campaign was on in earnest.

On August 2 following, the Whigs assembled at Ann Arbor for their State convention; although the votes

in the Convention seemed to indicate quite as full an attendance as in the previous Democratic-Republican gathering, they were less representative; little more than half the counties sent delegates, a correspondingly larger number being from the counties of Wayne, Washtenaw and their contiguous territory. Their proceedings were executed with as much dispatch as their opponents had taken leisure, and the records of their proceedings seem to be correspondingly meager, their party organs giving but little more than the briefest notices. Their deliberations resulted in the nomination of Charles C. Trowbridge of Detroit for the office of Governor, Daniel S. Bacon of Monroe for Lieutenant Governor, and Hezekiah G. Wells of Kalamazoo for member of Congress.

Charles C. Trowbridge was himself a young man at this time, but thirty-seven years of age; but he was nevertheless one of the solid, substantial, business men of Detroit, where he had resided for nearly half his lifetime. Coupled with his good business abilities were literary gifts of no mean order, while his popularity had already been attested by his election in 1834 to the mayoralty of his city, in which position he had rendered heroic service during the weeks of the cholera scourge,—a service that was still gratefully remembered by the people.

Daniel S. Bacon was likewise a man of deserved popularity in his home county, where he had resided since about 1822; he had served in the Territorial Council, was the business partner of Levi S. Humphrey, whom the Governor had recently appointed to the Board of Internal Improvements and was in every way a gentleman of rare quality.

Hezekiah G. Wells was at this time a brilliant young lawyer; although but twenty-five years of age he had nevertheless been four years a resident of the State, had served as a delegate in the Constitutional Convention of 1835, and had impressed many people beyond the limit of his immediate acquaintance with the high order of his abilities.

With such gentlemen upon their ticket and the national administration bearing the burden of an unprecedented financial depression, there was every reason for the Whigs to look forward with hope of success in the coming election. But it was quite evident that they were not sanguine of success in the congressional contest, at least there remain very few evidences of energetic action to that end on the part of either the Whig press or party. Ten days following their Convention the committee on address of the Democratic-Republican party issued its authorized address to the people of Michigan, reciting at great length the financial condition of the country and the causes that had contributed thereto, chief among which was gibbeted the Bank of the United States. The virtues and abilities of the candidates were generously recorded and all Democrats admonished that, if they would preserve and protect the free principles of their party, they "must act with the eternal vigilance which is the guarantee and the price of liberty." The Whig committee replied with an address of like character but of import adjusted to its partisan desires, "unveiled democracy" and called upon all men who would extricate the government from the control of incompetence and impending war to vote for Trowbridge, Bacon, and Wells.

The Democratic papers occasionally reminded the

Irish and German voters that it was the Democratic-Republican party in Michigan that had placed in the State Constitution the provisions which insured his rights of franchise while the vote of Hezekiah G. Wells, William Woodbridge and other Whigs had opposed; but otherwise the canvass seemed to pass without comment.

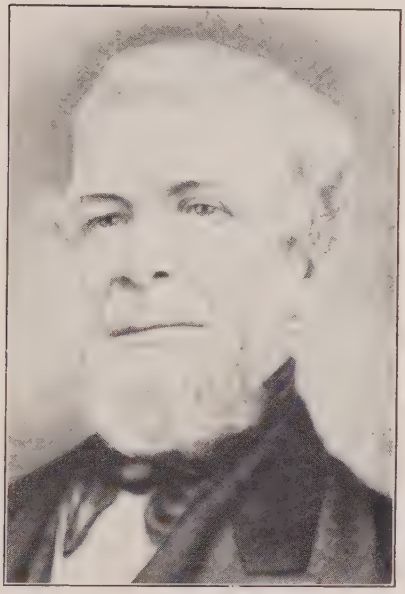
Yet the two days' balloting was spirited beyond evident expectation, for the canvass of the votes disclosed that a total of 21,729 had been cast, of which Isaac E. Crary had received 11,430 and Hezekiah G. Wells 10,299, giving Crary a majority of 1,131. While this was a fairly decisive majority considering the total vote, yet as 821 of the majority had been contributed by the counties of Wayne and Monroe, it gave encouragement to the Whigs for the belief that to achieve success at the approaching State election they had but to exert the effort which was well within their power.

From this time forward, at least so far as Governor Mason was concerned, it was a campaign of the bitterest invective and most uncompromising personal character. No move in the so-called game of politics seems to have been overlooked, and no charge that could be predicated upon a semblance of facts seems to have been understated. An effort was made to place a second Whig ticket in nomination and a more or less unrepresentative gathering named William Woodbridge of Detroit for Governor and William H. Welch of Kalamazoo for Lieutenant Governor. The Democrats would have been pleased to have had the two gentlemen flattered into accepting the nominations and making the canvass, as it would have insured the division of the Whig vote, and their press consequently referred to both gentlemen in

respectful terms, especially of Mr. Woodbridge, of whom they said that while he was "a Federalist of the old school he had always been consistent in the support of its doctrine." But the project from whatever source it emanated failed, as both gentlemen declined the proffered honors. But if Democratic hopes were frustrated, Whig efforts in the same direction were destined to meet with more success. At the height of the campaign, handbills on the streets of Detroit announced a meeting at the State House for the nomination of candidates for the offices of Governor and Lieutenant Governor. At the time appointed, if we are to believe the Whig organ, "a numerous delegation from several counties assembled"; if we are to credit the account of the *Free Press,* the "numerous delegation consisted of *just seven* self-appointed members." But numerous or otherwise, they proceeded to nominate Edward D. Ellis of Monroe for the office of Governor and John Biddle of Detroit for Lieutenant Governor, as candidates of the Jeffersonian Democracy. Mr. Ellis had served in the Constitutional Convention, in the first Convention of Dissent, and in the State Senate since the formation of the State government; the editor and publisher of a newspaper at Monroe, he was nominally a supporter of Democratic principles, yet he was of that peculiar temperament that seemingly put him out of accord with the party with which he affiliated, so that his vote in matters of legislation and policy was more often against than with them. Mr. Biddle, while he had at times occupied equivocal political positions, had for more than a year as a delegate to conventions, and as a candidate for the State Senate been actively identified with the Whig party. The nomina-

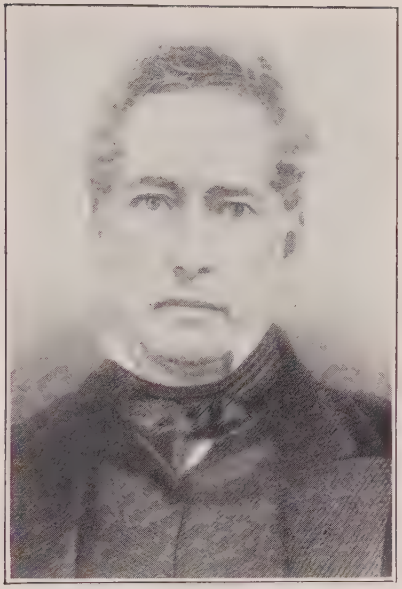
tions whether conferred by a gathering of seven or by a numerous body, for a time created no small amount of anxiety in the camp of the Democratic-Republican party. Mr. Ellis at once announced himself as the candidate of the "Simon Pure" Democracy and indeed may have thought himself such, but the charge was made, and there is reason to believe that it was made upon a basis of fact, that the campaign of the Jeffersonian Democracy of 1837 was financed from the Whig exchequer. In June a weekly newspaper of the more radical variety, devoted to the Whig cause and known as *The Spy in Michigan,* began publication at Detroit. Its comments and criticisms were even more caustic than in those papers which had seemingly furnished all that had been demanded in that line; and now, upon the nominations of Ellis and Biddle, from the same office of publication although under different editorship, came the *Jeffersonian Democrat,* a newspaper which though it did not live beyond the campaign, nevertheless during its brief and precocious existence zealously attacked the conditions that were, and incidentally proclaimed the benefits to be derived to the State through the election of Edward D. Ellis and John Biddle.

In the gathering interests of the campaign, the young men of the State were called upon to elect delegates to a Young Men's Democratic-Republican Convention, which they did; the delegates assembled in goodly number on October 5 at Ann Arbor, where for the day they stimulated their enthusiasm with fervid oratory and brought forth resolutions commending the principles of their party and pledging allegiance to its nominees. In the personnel of the Convention were several young men



TOWNSEND E. GIDLEY

Member of the first State Constitutional Convention and member of the State Legislature 1835-42, and later Whig candidate for Governor in 1851.



PHILO C. FULLER

State Representative and Speaker of the House in 1841. Whig candidate for Governor in 1841.

STEPHEN VICKERY
Member of the State Legislature 1838-1848.
From the portrait by Alvah Bradish, hanging in Representatives' Hall in the Capitol.

like Hovey K. Clark, Alpheus Felch and Ebenezer B. Harrington, men who were destined to exert more than a local influence in public affairs.

The young men of the Whig party, not to be outdone, followed with a like Convention but not being the result of as mature plans, it was less numerously attended; its appeal to the young men was perhaps as effective as if it had proceeded from a more numerous Convention. Nearly every county and senatorial Convention now issued its high sounding address to the people; the settlers gathered from distant places, coming either on foot or in loads not infrequently drawn by leisurely moving ox-teams to attend during an afternoon or to sit in the half-dispelled darkness of some candle-lighted room, where men like Charles E. Stuart and Jacob M. Howard extolled the principles of their party and derided the opposition to the infinite delight of their auditors. Likewise the anonymous contributor to the weekly newspaper over the name of "Civis," "dissatisfied Democrat," or "Non office-holding Whig," now filled the columns of the newspapers with articles teeming with invectives, sarcastic allusions and frequently untruthful statements. One contributor says, "Mason came here a boy of about nineteen, born and raised in Kentucky with all the attributes of a domineering population. His education was very imperfect and, it is believed that he could not have written a page of respectable English. His morals were still worse but entirely in southern style." The article closed with the statement "his time has been too much devoted to the tavern, the billiard-table, the ball-alley, and the theatre to admit of much mental cultivation." Sometimes the opposing editor attempted to refute

charges with argument and proof, but more often he quoted the offending article and closed with the statement to the effect that "a more malicious, malignant, and damnable falsehood was never penned by any man." Small provocation seemed to excite editorial wrath; and when paper, candidate or party was attacked, the editor grabbed and hurled back such words as "lies," "knave," and "scoundrel," with a license that astonishes the present day reader of their time-stained pages. One of the charges brought against Governor Mason of course was that he had been a "traitor" to the State in that he had been instrumental in the relinquishment of the land upon the southern border. Another matter, the occasion of much comment was the fact that he had been voted the sum of five hundred dollars as house rent by the Legislature; the constitutionality of the act forming the basis of the accusation that the money had been wrongfully taken. Another story which was given columns of newspaper space and dignified as a scandal of the first order, charged the Governor with vote-buying at the August election. G. L. Whitney, a Whig newspaper writer of Rochester, New York, being in Detroit at the time of the congressional election, observed a man who had the appearance of a laborer, who proved later to have been John Weese, a local butcher, approach the Governor in front of the National Hotel and procure from him a bank note of some denomination; he at once wrote a highly colored account of the Michigan election to his home paper in which he represented the Governor of the State as openly purchasing votes upon the public streets of his home city. The paper was received a few days later at Detroit, and the story was seized with avidity

and printed in detail by the local Whig press. It mattered not that the Governor said that Weese asked the loan of a dollar on the day mentioned and that he had accommodated him; that he offered proof of the fact by others standing by and showed by the records that Weese had in fact voted the day before the transaction in question. The story with all the new embellishments that could be locally suggested was reprinted and carried for distribution to the distant towns and villages of the State.

This charge, and the charge of intemperance brought his only published statement of the campaign; and that, too, in strange contrast to the vicious attacks that had been made upon him. Reviewing the charges that had been brought against him, he said: "To all this I have heretofore opposed nothing and even now my own pride of character will not permit me to give such imputations the dignity of a serious refutation. That they are unjust, those who best know me will give evidence. In private life I have endeavored to do no man wrong, and it is with regret that I have seen so much personal vindictiveness infused into the present contest. I question no man's motive; impeach no man's character and I have yet to learn that I commit an act of moral turpitude by entertaining political opinions different from those individuals who have become censors upon the occasion." This dignified statement only brought the reply that he was hypersensitive and enjoyed seeing his name in the papers. In October the personal character of the campaign became such that some seventy-five of the leading Democrats of the city of Detroit joined in a lengthy address to the people of the State in refutation of the

charges personal and official that had been laid against the Governor,—prefacing their address by saying, "Because of the course of ungenerous denunciation pursued by the opponents of Governor Mason, leaving the usual path of political discussion and official inquiry, and adopting the scheme of destroying reputation by *misrepresentation and slander,* the immediate neighbors of the Republican candidate who know the falsehood and injustice of the charges urged against him, are called upon by an imperious sense of duty to repel them."

The vote-buying story and the excitement it and the subsequent State election occasioned led a local artist of that day, Mr. T. H. O. P. Burnham, to depict the events of the first election upon canvas. Now when three-quarters of a century are past, the actors gone, and the animosities forgotten, this crude picture which hangs in the Detroit Museum of Art is one of the most interesting and amusing legacies of that eventful day.

In one of his message utterances the Governor had suggested that in the adoption of a penitentiary system of discipline the Legislature should provide the convicts with the means of useful employment, rather than keep them in solitary confinement, as a means best tending to the development of a self-reliant member of society. This recommendation was now seized upon by a society of artisans in Detroit, known as the Mechanics Society, who made it the basis of a resolution against the Governor as the enemy of free labor. The chief interest in the event is that it discloses that a problem that is still troublesome had its beginning before the walls of the first penitentiary were reared.

In September, Governor Mason betook himself to New

York in an effort to negotiate the whole or some portion of the five million dollar loan. Surveyors and engineers were already upon the surveys gathering data for submission to the next Legislature through the Board of Internal Improvements, and it was evident that if the expectations of the people were met, the loan must of necessity be in hand. Some effort was made to create political sentiment in the matter by persistent inquiry on the part of the Whig papers as to why the loan had not been made and insinuation that it never would be made. In early October the Governor returned and gladdened the hearts of at least his friends with the tidings that the loan had in effect been negotiated and only awaited certain changes of a minor nature in the law before the matter could be finally closed. There was jubilation among the Democratic papers when this news was announced and no doubt it had a material bearing on the outcome of the election. The last appeal was made to the settlers who had settled upon the land in the western parts of the State where the Indian title had been but recently extinguished by treaty, and which had either not yet been brought into the market, or which under the act supplemental to the Act under which the State was admitted, would be subject to the State's election for the purposes that were in that Act specified. The circulars conveying the spurious information of the dire calamity that Governor Mason and his friends were about to inflict upon the settlers, was hurried across the State to the village of Grand Rapids and from there distributed to the voters in the remote clearings, in the hope that the almost solid Democratic vote of Kent might be reduced if not reversed. The Democratic papers gave

their last notes of appeal and warning and on election day the voters gathered to do battle in more than a figurative sense for the candidates and principles to which they gave allegiance.

The election, so far as the city of Detroit was concerned, was a day of great excitement. Never had there been a political contest of such a character. The banners and processions which the picture above referred to attempts to depict were actual incidents of the day. The Whig procession, with the ship Constitution commanded by Captain Robert Wagstaff as its central feature, preceded and followed by the enthusiastic supporters of Charles C. Trowbridge, was fully equalled by the procession which is seen in the right of the picture, led by James Stillson, the Major-domo of the local Democracy. He is astride the steed of equal rights; on his hat is inscribed "Gold and Silver currency" and by his side is carried the banner of the regular Democratic nominee, Stevens T. Mason. Behind the gaily caparisoned Stillson, although not shown in the picture, came several yoke of sleek oxen bedecked with flags and fluttering ribbons and a marching column of citizens ready and even anxious for any fray. The central figure in high boots, black coat and silk hat is easily recognized as Governor Mason, who is handing a ticket to a "sovereign" whose companions to all appearances will hardly miss the rye that is freely flowing from the black bottle. Near by Colonel David C. McKinstry, State chairman of the Democratic-Republican committee, leans upon his staff; by his side Benjamin Kingsbury of the *Morning Post,* flanked by S. H. Harris and John Norvell is in earnest dispute with Franklin Sawyer of the *Advertiser* who is supported by

George C. Bates. It is said that the election did not close without a fight in which some two hundred engaged; but if the day had crudities that have been forgotten, it had amenities that may well be remembered and perhaps none more deservedly so than the incident in which the genial Governor in passing to the polls espied his opponent and straightway took him by the arm and said, "Come, let us go and vote for one another," which arm in arm amid the cheering of the multitude they proceeded to do.

The contest resulted in a victory for Mason and Mundy. The vote as canvassed by the Legislature in joint convention showed 15,314 votes for Stevens T. Mason and 14,800 for Charles C. Trowbridge, a plurality of 514 for the Democratic-Republican ticket. Governor Mason lost the county of Wayne by 68, but carried the city of Detroit by 38. Washtenaw County, which Isaac E. Crary lost in the congressional election by a majority of 159, Mason lost by a plurality of only 27. In Monroe, the home of Daniel S. Bacon, candidate for Lieutenant Governor on the Whig ticket and of Edwin D. Ellis, candidate for Governor on the Jeffersonian-Democratic ticket,—and where Crary had received a majority of 357,—Mason received a plurality of 342. Indeed, the Jeffersonian-Democratic ticket made a sorry showing for the effort expended in its behalf, as the returns showed but 311 votes cast for its candidate for Governor.

A majority favorable to the administration was elected to both House and Senate; but in both Houses there was a goodly number of the opposition. William Woodbridge among other Whigs was returned to the Senate, and Jacob M. Howard, Townsend E. Gidley, Stephen Vickery and others of the same political faith were given seats in

the House. The majority party was represented in the Legislature by a number of strong men, John S. Barry, Warner Wing, Benjamin B. Kercheval, in the Senate, and Kinsley S. Bingham, Robert McClelland, John Ball, Alexander W. Buel and Charles Moran being among some of the better known of the House.

The excitement of the campaign and the election were still fresh in mind when on November 9, the second Legislature reassembled in pursuance of its adjournment of the preceding March.

CHAPTER XVI

Governor Mason's Second Term

THE third Legislature assembled on the 2nd day of January, 1838, only Saturday and Sunday intervening between its commencement and the final adjournment of its predecessor. Kinsley S. Bingham of the Democratic-Republican majority in the House was chosen speaker and Alexander W. Buel speaker pro tem. In the Senate Edward Mundy presided by virtue of his office of Lieutenant Governor, John S. Barry again being selected as president pro tem.

The session was destined to be one beset with many difficulties, for not only were there grave and perplexing problems to be considered, but they were to be complicated in a measure by the bitter personal and partisan feeling that had already been engendered and that was to be still further fomented by some of the belligerent spirits of the legislative body who become more intent upon perplexing those charged with official responsibility than upon assisting in the solution of the problems which, uncomplicated, would have been sufficiently difficult.

Complications within the neighboring provinces of Upper and Lower Canada were likewise approaching a crisis that was to result in open rebellion in the so-called Patriot war; which, while it did not directly involve the State government, did enlist the sympathies and to a considerable extent the activities of many of its citizens at Detroit and in other towns upon the border.

Michigan's private and official relation to the uprising was of such a character as to require treatment in a separate chapter than incidentally here in the sequence in which the events occurred, as is likewise true of the main phases of the State's experience with the same scheme of internal improvements and the financial questions which were directly connected therewith.

Upon the opening of the Legislature, before the members in joint assembly and a numerous gathering of citizens the Governor appeared, to publicly take his constitutional oath of office; but, before doing so, in keeping with the custom of the day, he proceeded with a short inaugural address. The address was short, and felicitous in character, although there are passages which indicate a lively remembrance of the contest which had but recently closed. With the charity of the victor he admonished his fellow officials to remember "that even when his integrity had been assailed, the vilest and worst of motives attributed to his conduct, he has only to await the development of time, and trust to the good sense and justice of the people who will right the wrong done him." The address was intended as a message of good will, and we may well believe that its concluding supplication for the guidance and protection to the Supreme Ruler of nations was honest and sincere.

The annual message which two days later the Governor delivered to the two Houses of the Legislature contained little that was new in point of policy, but was devoted rather to the emphasizing of propositions and policies that had received attention in his former messages. He called attention to a deficit in the year's expenditures for general purposes of $13,353.68 which

he says "has been brought about by circumstances unavoidable and beyond the control of the executive," the condition being the result of the special and protracted sessions of the Legislature and the interest payments upon the State loans, coupled with the fact that several of the counties were in arrears with returns of State tax to the amount of eighteen thousand dollars. This embarrassing situation in the State finances he neither sought to palliate or deny. He plainly stated the facts and recommended the change of the laws in such a manner as might be found necessary to insure prompt remittance of State taxes, a thing which was to be supplemented by "the exercise of the most rigid economy in our expenditures," correctly observing that in this regard, the people would not be satisfied by "profession or declamation."

The question of internal improvements, as would have been expected, was extensively treated, the Governor being still persuaded that the system of internal improvements was a matter of great importance "to the eventual and permanent prosperity of the State." In this position the Governor was in entire accord with the vote and sentiment of Abraham Lincoln, then a member of the Illinois Legislature and with many other men whose names have since become known in connection with particular States and the Nation, who in the earlier days were supporters of schemes of internal improvements within their respective States upon scales of magnificence far beyond anything ever attempted by Michigan.

The Governor was willing to stand for the prosecution of the works already undertaken, but there was a note of caution in the message, that leads one to believe he was

beginning to feel that the Legislature under the pressure of the conflicting local interests was being involved in a series of projects beyond both the needs and the financial ability of the State. The message disclosed that there had already been $438,551.49 placed to the credit of the internal improvement fund of which on December 1, $322,321.42 had been expended, leaving a balance of $116,237.07. The expenditure included $139,802.79 paid on account of the Detroit and St. Joseph Railroad Company as well as the surveys which had been prosecuted during the summer months upon the Northern, Southern and Central Railroads, the Havre Branch road and the Clinton and Kalamazoo, the Saginaw, and the Sault Ste. Marie Canals and the reconnaissance of the St. Joseph, Grand, and Kalamazoo Rivers, with the design of improving them for the purposes of navigation. Special attention was paid to the proposed canal around the Falls of St. Mary's River which the report of the engineers said could be constructed at a cost not exceeding one hundred and fourteen thousand dollars. The Governor recommended that this project be given such an appropriation as would insure the completion of the work during the year, so that the State might early secure the benefit, as he stated, "of the extensive and abundant resources of the country on the shores of Lake Superior." Some of the enterprises in the State's scheme of internal improvements were exceedingly ill-considered, yet the Governor's zeal for the Canal at the St. Mary's was highly commendable; although his purposes in that regard through causes beyond his control were doomed to failure. This is more especially true inasmuch as years later when the effort to construct the canal was renewed Henry Clay

opposed the project, as "beyond the remotest settlement in the United States."

The Governor's recommendations on the subject of internal improvements, the temper of the time considered, were rather conservative than otherwise. "The loan already authorized for internal improvements," said he "amounts to the sum of five million dollars, and it may be questioned, whether with the most rigid economy that sum will be equal to the construction of the works now undertaken." He therefore advised that no more projects be undertaken until the means of the State increased and her resources developed.

He again referred to the subject of education with all of the enthusiasm that ever marked his interest in that part of the State's activity. These sentiments, while not new, are of a character worthy of both the man who expressed them and of the system that came into being, in large measure, from his efforts.

Said he, "Every free Government is called on by a principle of self-preservation, to afford every facility for the education of its people. The liberty of a people cannot be forced beyond their intelligence." Again he said, "If our country is ever to fall from her high position before the world, the cause will be found in the ignorance of the people; if she is to remain where she now stands, with her glory undimmed, educate every child in the land."

The financial condition of the State justly received extensive notice. Frequent attention has been called to the Governor's statement in this message, relative to the general banking law under which the "wild-cat banks" were then in the process of organization. Said he, "The

principles upon which this law is based are certainly correct, destroying as they do the odious features of a bank monopoly, and giving equal rights to all classes of the community." This statement was made in relation to the power of the Bank of the United States. It is not a defense of the law in all its details nor of all the methods pursued under it. He not only recognized the dangers but plainly stated them. "The dangers to be apprehended from the abuse of the system," he said, "are over-issues of bank paper, a dangerous extension of credit, fluctuations in our currency, and consequent fluctuation in the prices of property and the wages of labor. It becomes your duty, then, to guard against these evils." Preceding these statements he had said, "The multiplication of banks and bank issues does not produce real capital. The productive labor of the country is the true foundation of all the capital, and banks are the consequence, rather than the cause of a nation's wealth. Gold and silver is the only medium of exchange recognized by the commerical world; bank paper was originally designed as a representative for this metallic medium but not as a substitute for it. The attempts to substitute paper, by excessive bank issues for real capital, disturbs the natural laws of trade, and is always attended with fluctuations and revulsions."

The orthodoxy of these statements will not be questioned, and they hardly warrant the claim made by his later day critics that the financial ills of Michigan in 1837 came because the executive was unschooled in the elementaries of such affairs.

Others have found in the Governor's recommendations for the establishment of a State bank a vagary from

which the State escaped by only the utmost good fortune; and yet just such an institution organized at this time under the laws of the State of Indiana through the days of perilous financial adventure did a good business, maintained a safe currency and after several years closed its affairs without loss.

He again urged the abolition of imprisonment for debt, commended the scientific and commercial value of the geological survey and outlined in a comprehensive way the system of punishment and discipline that should obtain in the prison about to be established at Jackson. His recommendation was that convicts be engaged at productive labor to the end that there might be "reformation of the morals of the corrupt and wicked, the enlightenment of the ignorant, and the employment of the idly disposed;" although, perhaps, remembering the opposition of the Mechanics' Society in the election, he favored the employment of the convicts as far as possible in manufacturing those things "supplied by importation from abroad."

Shortly after the commencement of the legislative session the Governor procured from Henry R. Schoolcraft, his warm personal friend, a communication that illustrates in an inconspicuous manner the governor's genuine love for and interest in his State; it was a document prepared at the Governor's request suggesting a list of geographical names with their derivation that would be suitable for the newly mapped lakes and streams and the newly created towns and counties of the State. The list prepared by Mr. Schoolcraft was of great interest, being composed largely of aboriginal names, which, as he stated, "were both sonorous and signifi-

cant." But few of the names suggested were later given to the geographical subdivisions of the State; among such were Iosco, diluvial lands; Tuscola, flat lands; Calamo, honey woods; Oscoda, pebbly plains; Alpena, the partridge lands, etc. Such names, had they been more extensively applied, in the language of Schoolcraft, would have "invested portions of the public domain with historic and poetic associations of a noble-minded but down-trodden race."

Although the legislative session continued until April 6, few if any laws were enacted that involved anything new in the way of policy. Under the authority of an Act of March 22, 1837, the Governor had appointed Jacob Beeson, H. P. Cobb and H. Stevens, commissioners, to visit such places in the State as in their opinion presented the greatest advantage for the location of a State prison; to receive proposals for a site and for building materials and to gather information as to what system of discipline was the most humane and most efficient for answering the ends of such an institution. Early in the session the commissioners made their report to the Legislature. While the report would come far from expressing the ideas of the modern criminologist, it showed that the commissioners had carefully investigated the subject and from a personal inspection of the prison at Auburn, N. Y., and the one at Philadelphia, Pa., by one of their number they recommended that the one at Auburn be taken as the copy for the Michigan institution. Perhaps not the least determining factor was the fact that the Commissioners found the prison at Auburn to be more than self-supporting,—a feature, however, that

LUCIUS LYON

Deputy United States Surveyor in the Northwest from 1822. One of the first U. S. Senators from Michigan, elected in 1835. Later Surveyor General of Michigan, Ohio and Indiana.

DR DOUGLASS HOUGHTON
Surveyor and prominent Whig member.

ON THE OLD CENTRAL RIGHT-OF-WAY

The right-of-way of the Central Railroad as originally constructed along the valley of the Huron River from Ypsilanti westward was upon the winding southerly bank. When the road passed into the hands of the Michigan Central Corporation a new line was run near the present location.

they were unable to give permanency to in the Michigan copy.

Several towns made spirited competition for the location of the institution, the village of Grand Rapids being among the number. Jacksonburg was ultimately selected, although for a time the citizens of Sandstone, or Barry as it was then called, a village on Sandstone Creek some four miles west of Jackson, believed that they were to be the prison town. Half a century later an old resident of the competing village who had lingered while almost every vestige of the town had passed away, but who still remembered the contest, explained that Sandstone lost the prison because her people made all their offers to the State, while the citizens of Jackson made their offers to the Commissioners. The Commissioners were authorized to begin the immediate construction of one wing of the prison, and before the following autumn a plank structure enclosed in a palisade of tamarack logs was serving as a place of detention for the convicts who were employed in the building of what is now the west wing of the main structure. From that time forward "The Tamaracks" was a term of sinister and penal significance.

Another matter which the Governor approached with his characteristic energy and interest was the development of the saline deposits of the State. For many years salt springs had been known to exist at various places in the State and when the State was admitted, the National Government had granted along with the school and other lands, seventy-two sections of land to be selected contiguous to its salt springs. A large sum of

money was being sent annually out of the State for this prime necessity; and it was a matter of more than passing interest when the Detroit *Free Press* in July, 1838, announced that it had been presented with a sample of salt manufactured from the waters of a spring situated on section 15, township 8 north, range 4 west, on the Maple River, about ten miles from its mouth, and declared its belief that the time was not "far distant when Michigan will produce within her own borders all the necessaries as well as some of the luxuries of life."

The location mentioned above was at one of the paper cities of that day, in the present township of Lebanon, Clinton County, known as the village of "Clinton Salt Works"—the site of the incipient operations of the Clinton Salt Works Company, a corporation organized at the legislative session of the same year.

The State Geologist upon receiving his commission, the preceding Spring, had lost no time in effecting the organization of his corps of assistants and was now returned from a reconnaissance of the State with data for a report that fully justified the creation of his office. Governor Mason entered with enthusiasm into every recommendation, and from the verbal reports of the Geologist he felt justified in saying through his message that "The examination of the Saline Springs has been carried so far, as to render it certain that we possess an extensive salt region, and that with a trifling expenditure we shall be enabled to manufacture salt in sufficient quantities not only for home consumption, but that it must become an article of extensive export."

The Governor's enthusiasm led him to enter into correspondence with men skilled in the business of well-

boring and salt manufacture and to urge the passage by the Legislature of an Act authorizing the State Geologist to commence, as soon as practicable, boring for salt at one or more of the State salt springs. This the Legislature did, and appropriated three thousand dollars to defray preliminary expenses. When Dr. Houghton made his report to the Legislature the following year, he showed that he had been about the work with characteristic energy; he had transported machinery and equipment through the forests and along the streams and had begun drilling operations at two points, one being on the bank of Grand River three miles below Grand Rapids, and the other on the Tittabawassee in Midland County near where it receives the waters of Salt River. These two projects were continued intermittently for the next four or five years at an expense aggregating not less than thirty thousand dollars, with results which at the time appeared of small value, but which were yet of greater value than they seemed. It was experimental work which had a real value, and in the language of William L. Webber, one of the men who later developed the salt industry of the Saginaw Valley, "They demonstrated that this work was one of no slight magnitude." It was the pioneer effort in the establishment of one of the leading industries of the State, an industry that has grown from a few hundred barrels in 1859 to more than six million barrels annually at the present time.

Among what may be termed the curiosities of the legislative session of 1838 was an Act providing a bounty of two cents a pound on each pound of dry sugar manufactured from the beet within the limits of the State. This Act was in substance the duplicate of laws enacted

in other States at the time, in an effort to establish an industry in America which under the efforts and directions of Napoleon had already been established in France. Of course no bounty was ever paid under the law and it is of interest only by reason of the coincidence that in Michigan sixty years later, the beet sugar industry should have developed such extensive proportions.

A bill to encourage the manufacture of glass which passed both Houses of the Legislature met a different fate, it being promptly vetoed by the Governor, although he was petitioned by numerous citizens not to do so. In his communications returning the bill without his signature the Governor said, "This bill although purporting to be an Act for the encouragement of domestic manufacture, yet when stripped of its disguise is nothing more or less than an Act for the relief of Ebenezer Hall and Isaac J. Grovier, copartners in trade engaged in a manufacture of glass." The two gentlemen referred to were residents of the village of Mt. Clemens where the glass business was sought to be established, and whose citizens seemingly quite unanimously joined in a petition to the Governor to withhold his veto from the measure that was to bring their village prosperity at the public expense.

The banking law, the law for the five million dollar loan, the law for internal improvement projects, general and particular, became the subjects of acrimonious discussion and legislative action, hereafter treated in connected detail.

That the citizens of the State were still expectant of an immediate return of prosperity and continuing development was evidenced by the Acts of incorporation

granted to the Port Sheldon and Grand Rapids Railroad Company; the Auburn and Lapeer Railroad Company; the Ypsilanti and Tecumseh Railroad Company; the Mottville and White Pigeon Railroad Company; and the Medina and Canandaigua Railroad Company, and to other companies organized for more varied efforts.

National policies likewise came in for a share of consideration in the Legislature all out of proportion to the attention they now receive in such bodies. Slavery in the District of Columbia; the admission of Texas and the sub-treasury scheme all received the political and perhaps serious consideration of the Legislature, or at least of the Whig members of it. On the question of slavery in the District of Columbia, William Woodbridge favored a resolution to the effect that it was inexpedient for the Legislature to express an opinion on the constitutionality of the power of Congress in the premises; Representative Stephen Vickery, later a Whig candidate for Governor, desired the Legislature to go on record as opposing the annexation of Texas "as unnecessarily extending the territory of the United States and creating discontent which might endanger the stability of the Union;" while Jacob M. Howard came forward with a resolution condemning the sub-treasury plan and opposing the policy of the Government in demanding gold and silver in satisfaction of governmental dues.

With such the temper of the Legislature, we can well imagine what happened, when on the 30th day of January it was discovered that the report of the State Treasurer, Mr. Henry Howard, which had been given the Legislature on the 9th, disclosed that Governor Mason had during his official service as Governor, drawn a quar-

ter salary in advance of service. That it was an error was at once apparent, for it was plainly shown by the vouchers which had been issued to the Governor as well as by the report of the Treasurer which was now printed and subject to public inspection, and no effort had been made to cover or distort the fact. The mistake occurred through the confusion occasioned by the Governor going into office with the adoption of the Constitution in November, 1835, instead of the first of January following; his salary being paid in quarterly payments beginning with November, 1835. On May 20, 1837, the Treasurer, to adjust the payments to the regular quarters of the year, issued a voucher for the fractional quarter of November and December 1836, and for salary from January 1 to April 1, 1837; as on February 8 the Governor had received a voucher for a quarter salary which had included the months of November, December and January, the last voucher thus made a quarter payment of salary in excess of service. As soon as the printed report was submitted to the Treasurer he recognized the error, as did the Governor, who at once repaid to the treasury the amount of the salary overdrawn. There was perhaps no one who did not appreciate that it was an error and that if censure was to attach anywhere, it was to the system that made such errors possible: but Jacob M. Howard was the Whig champion of the Lower House of the Legislature, and had he allowed the incident to pass with a presumption favorable to the integrity of a political opponent, he would have been open to the charge of violating the political ethics of the time. At once upon the discovery of the error, which one had but to read the report to see, Mr. Howard proceeded to

electrify the House with impassioned eloquence on the Governor's culpability in connection with the matter; directly charging the Governor with a corrupt purpose to obtain money from the Treasury to which he was not entitled.

On the same day the charge was made, the Governor sent a communication to the House requesting the appointment of a committee by the House to inquire into the correctness of the charges made against him. After considerable parliamentary sparring, the committee was appointed and a few days later submitted a report entirely absolving the Treasurer and the Governor from all intentional or conscious fault in the matter. The report of the committee was followed by a most remarkable document in the form of a protest signed by Jacob M. Howard and nine other members of the Whig minority in the House. The substance of the protest was that the Executive was transcending his right and authority in asking an investigation of charges made against him on the floor of the House, because in so doing he was "*abridging the freedom of discussion.*" The protest was based likewise upon the further claim that the Governor's communication was an assumption of despotic power and was not called for in the exercise of official duty.

Needless to say, the *Advertiser,* the Detroit organ of the Whig party, for many days played the "Assault upon the Treasury" as the leading sensation of the day and joined in vigorous denunciation of the executive assumption of questioning the statement of a member of a legislative body even when it concerned the executive honor and integrity.

Nearly seventy years later, on June 4, 1905, when Michigan had grown rich and strong and when the mortal remains of Stevens T. Mason were about to be entombed in Michigan soil, Rev. David Cooper, then a man bearing the weight of years to the number of more than three score and ten, standing by the side of all that was earthly of the Boy Governor, said, "I have but one remembrance of Governor Mason. I was but a lad at the time, and standing near the old session house on Woodward Avenue I saw the lithe figure of the Governor approaching. I shall always remember his appearance, a shining silk hat upon his head, a shawl such as gentlemen wore in those days swung across his shoulders, with cane in hand he was walking rapidly down the street. I had been bred a Whig, and boy-like, I felt that I would be doing honor to my political principles if I said something insulting to the Governor. I waited until he approached nearly opposite me and then I shouted, 'Five Quarter Mason,' and then fled up the steps of the session house. The significance of the epithet I did not know then and I do not know now, but it was something I had heard from my elders. The Governor turned and followed me, I retreating to the farthest corner in fear of a just chastisement; but the Governor only sat down upon the step and drew me to his side and talked to me in a gentle, kindly way. I cannot remember a thing he said. I think there was a tone of sadness in his voice, for I know he left me feeling that I had done him and myself a wrong of which I was heartily ashamed, and from that day to this, there has lingered with me a feeling akin to affection for the memory of Stevens T. Mason;" and turning to the daughter and the aged sister

of the Governor who sat upon the rostrum beside him, the aged clergyman continued, "I am glad that time has spared me to bring to you, the daughter and the sister, my acknowledgment of contrition for those words which even from a child may have brought a wound of sorrow to the brother."

CHAPTER XVII

The Patriot War

THE so-called "Patriot War" or Canadian Rebellion of 1837-38, was the culmination of a series of grievances justly entertained by a large body of people of both Upper and Lower Canada. The American Revolution had been the occasion of a considerable emigration of citizens, still loyal to the British Government, from the colonies to Canada; as many as forty thousand during and shortly following the war having, as stated by some historians, sought an asylum beyond the northern border. These emigrants who, to use a phrase applied to them in one of the Orders in Council "had adhered to the *unity* of the *empire*" came to be known as the U. E., or United Empire Loyalists. The greater number of these refugees settled in, what upon the division of Quebec became, Upper Canada or Canada West. While residents of the Colonies, they had been of the aristocratic element, being as might be presumed above the average in education, possessions, and social and family connections. As many of them had had their estates confiscated by the colonial authorities, they were from the first shown marked consideration by the Imperial Government in the form of special honors, liberal to prodigal grants of land to themselves and their descendants as well as temporary advances for the alleviation of their immediate needs. To this body of citizens there were soon added accretions from the mother country, many

of them half-pay officers of the army; the younger and impecunious sons of aristocracy and the soldiers of fortune who while yet loyal to British institutions, sought in the New World what neither their talents nor influence would procure for them at home. With these elements of the population were quite generally united the members of the learned professions and the clergy of the established church. These elements, broadly speaking, soon coalesced into what for many years in Canada was known as the "Family Compact," the precursor of the Conservative party.

Upon the division of Quebec into Upper and Lower Canada, each Province was given a Governor and Legislative Council appointed by the King, and each an Assembly to be selected by the voters of the Province. The majority of the people were poor and illiterate, busily and laboriously employed in felling the forests and building homes. It was but a short time before the "Family Compact" had placed its partisans in all the important offices of both the provinces and were bestowing its favors with a lavish hand. Millions of acres of the best lands were bestowed upon the Government favorites. Each member of the Council was given five thousand acres of land and each of his children one thousand two hundred acres more. The established church was endowed with lands in the form of the Clergy Reserve, a doman of vast extent. The Canada Land Company, a huge land monopoly, was likewise given powers and privileges that were out of harmony with the spirit of the people. For thirty years, the "Family Compact" maintained its ascendancy with unvarying repression. The districts from which the members of the popular

branch of the Legislature were chosen, in Upper Canada at least, were so formed as to give the "Family Compact" control of the Assembly through vastly disproportionate representation. The most reasonable reforms sought by the great body of the people were uniformly defeated. Even when bills to secure them were passed in the Assembly, they were thrown out in the upper Council. Not even courts and juries were free from the baneful influence of their unrepublican organization. In Lower Canada the evils of the aristocratic control were not so grievous, but its place was taken by the racial question, which was furnished by the joint occupation of the soil by the numerous but uneducated French and the less numerous but better educated English, Scotch and Irish. The sons of Britain could not look upon the French as other than a conquered race; and when a constitutional government was provided for the Province, the British minority sought through unconstitutional methods to keep control of offices and affairs in the interest of what it conceived to be the progress and prosperity of the Province, unwilling to concede that the Frenchman was by nature endowed to promote the same.

The evils that existed soon brought forward a man in each Province to stand as the Champion of reform. William Lyon Mackenzie, the son of a poor Scotch farmer, was the editor of a paper known as the *Colonial Advocate* published at Toronto. As early as 1824, Mackenzie had begun to inveigh against the abuses of the Government, to agitate for a government that would be responsive and responsible, and consequently to strike terror into the "Family Compact." Mackenzie was later elected to the Assembly from the County of York, and

under his agitation and leadership the Reform party grew in strength and menacing attitude. Five times from first to last, the "Family Compact" majority in the Assembly expelled Mackenzie, and each time the constituency of York returned him by an almost unanimous vote. In Lower Canada the elements of rebellious discontent rallied around Louis Joseph Papineau, a clever partisan leader of the French Canadian element. Papineau was a brilliant orator, who appealed to his countrymen with irresistible effect. As a member of the Assembly, he had been several times elected its speaker, had been sent to England to urge redress of grievances and had acquired an influence that brought the great body of the French Canadian peasantry into full sympathy with his aspirations.

Mackenzie, who had continued to expose the corruption of the administration of affairs and to battle for a responsible government, now despaired of the correction of the one or the attainment of the other, began to entertain the ideas of rebellion and independence. With him were associated other daring spirits by whom the seeds of sedition were widely sown. The correspondence of the factions in Upper and Lower Canada encouraged the belief that the achievement of independence for their country was a project of easy accomplishment. The military forces of the provinces were so inadequate as hardly to merit the name. In Upper Canada thirteen hundred troops were scattered from Kingston to Penetanguishene, while two thousand more were garrisoned at Quebec and the other posts of the lower country. Emissaries to the adjoining States found many who were still nursing animosities against the Mother Country

engendered in the memorable contests that were still fresh in the minds of the people, and who were willing to vouchsafe assistance of a very extensive and substantial nature which, had it been coolly and critically examined, would have been found to be based more upon enthusiasm than upon things tangible.

The crisis that precipitated armed rebellion in both Upper and Lower Canada came in November 1837; it is not our purpose here to trace the course of this conflict, except in its relation to Michigan, farther than to say than it did not end until many lives had been sacrificed and the people of Canada had tasted in a small degree the horrors of civil strife. These overt acts of rebellion had no sooner transpired within the adjoining province than intense interest in the outcome was manifested by the citizens of Detroit and vicinity, where a considerable proportion of the population was in hearty sympathy with any movement that professed to be for larger political rights and liberties for the Canadian; especially when, in achieving of those rights and liberties, some of the unsettled scores of the War of 1812 could be adjusted; at this time, Detroit had many citizens who were active participants in that sanguinary conflict.

As early as December 8, 1837, Governor Mason received a communication from the Department of State at Washington calling his attention to the fact that a contest was on in a "Territory of Great Britain adjoining the United States between a portion of the population and the Government," and requesting his interference by arresting all persons concerned in hostile demonstrations against the British Provinces.

Not a few people writing on the incidents of the

"Patriot War" have seemingly sought to add interest to their story by claiming that Governor Mason was in league with the Patriot leaders and openly aided and abetted their cause. That many of the Federal and State officers in Michigan did entertain a warm interest in the Patriot cause was unquestioned, and there is no doubt that the Governor felt a deep sympathy for the refugees who soon sought shelter in Detroit as well as sympathy with the efforts for reform in the abuses in the Government under which the Canadians lived; but there is no basis for the charge that his sympathies ever controlled his official action or left him open to the charge of inconsistency in that he did one thing as an individual and a private citizen and another thing as a public official. His every action in the matter evinced a purpose honestly to maintain the neutrality of the people of Michigan in the contest, and that he accomplished as much as any man could have accomplished in a community where a large proportion of the people were active or passive partisans of the rebellious movement. After a few reverses for the Patriots about Toronto and Montreal, Mackenzie fled from the Province and with other leaders of the disaffection, on December 13, 1837 took up his headquarters upon Navy Island, an island in Canadian waters in the Niagara River some two miles above the Falls. Here a garrison of some four hundred volunteers soon gathered and a provisional government of Canada was organized with Mackenzie as chairman of the executive committee. This provisional government proceeded to allure recruits with script, guaranteeing to each recruit three hundred acres of land and $100 in silver payable at Toronto the following May;

while immediate demands were cared for by the issue of a shinplaster currency of $1.00 and $10.00 denominations, as well as by contributions which were now flowing in from the cities of the border States where enthusiasm was being created by orators for the Patriot cause. For several days the opposing forces watched each other from behind fortifications on both the island and the shore with occasional exchange of rifle and cannon shots across the river, until December 29, when an event took place that came near leading to international complications. On the previous day the little steamer Caroline had been taken from Buffalo and began making trips from Fort Schlosser, a village on the American mainland, to Navy Island, giving passage for a small fare to such as desired to visit the Patriot troops and encampment and likewise transporting such munitions as the Patriots brought for carriage. During the night, as the little steamer was chained to the wharf at Schlosser it was boarded by a party of about fifty volunteers from the British forces across the river under command of Captain Drew of the British Navy, and after a short hand-to-hand contest in which one American was killed, the boat's crew was driven ashore, her chains cast off, and she was fired, burning to the water's edge as she floated down the river and stranded on the rocks above the Falls. The Caroline affair aroused great popular indignation throughout the United States and President Van Buren at once dispatched General Winfield Scott with large discretionary powers for the protection and preservation of the peace upon the frontier.

Even before the Caroline incident, emissaries of the Patriot cause had been among the people of the Western

Settlers
BEWARE!

Conrad Ten Eyck, U. S. Marshall, left Detroit yesterday for the *Grand River Country*, for the pretended object of electioneering for *Stevens T. Mason*. It is well known here that his real object is to *arrest* the *Settlers* on the *Government Lands*. Be on your guard, he has a large lot of blank capias, and after the Election, every Settler will be brought to Detroit.

Daniel Goodwin Esq. U. S. District Attorney, was seen on Saturday several times with Ten Eyck Some forty or fifty persons have already been arrested by Mr. Titus, one of Ten Eyck's deputys!

Gov. Mason has no doubt been advised by Ten Eyck of this movement. Settlers, are you willing to be dragged from your homes and brought three hundred miles, at *this season?* If you are not, *Beware*—beware of Conrad Ten Eyck, U. S. Marshall, and Silas Titus, his Deputy.

Ten Eyck is the same man who has tried to rob the State of $13,000, for the passage of the *rail-road* across his *farm*. If Trowbridge is elected he cannot get it. He will dupe you and then arrest you. *Mark him well.*

Detroit, Oct. 30, 1837.

CLINTON CANAL, VIEW NO. 1

Projected by the State of Michigan in 1837 from Mt. Clemens to Kalamazoo. Constructed from Mt. Clemens to Utica. This view was taken about two miles from the city of Mt. Clemens. It shows a bridge from the canal road to a farm house.

CLINTON CANAL, VIEW NO. 2
This picture was taken from the bridge shown in view No. 1.

Canadian counties and had returned with the information that it wanted but a strong Patriot force on the Detroit to raise up recruits by the thousands in Essex and adjoining counties. Refugees to the number of more than three hundred had already swarmed into Detroit and many gentlemen of prominence espoused their cause, among such being Dr. Edward A. Theller, a gentleman prominent in the professional and business life of Detroit where he had lived since 1832,—born in Ireland, but having resided for eight years in the city of Montreal.

On December 28, 1837, Governor Mason issued a proclamation urging upon the citizens of Michigan the obligation of observing the neutrality laws of the United States and entreating them not to violate the treaty obligations existing between their country and Great Britain. Excitement ran high and the wildest rumors were given credence. Some one started the story that the colored people of the "other side" had perfected a design to come over and burn the city and the Brady Guards were ordered out to protect the town, while the Negroes of the city gathered and appointed three of their number, Benjamin Willoughby, John J. Wilkins and Madison Lightfoot, a committee to prepare an address to the citizens of Detroit protesting their innocence in connection with any such design.

On New Year's Day the citizens gathered at McKinney's Theater, which stood at the southeast corner of Gratiot Avenue and Farrar Street where addresses were delivered and $134.56 in money and ten rifles were contributed to assist the Canadian refugees in the city and to advance the Patriot cause to the promoting of which the *Morning Post* now devoted its columns.

In the meantime the forces in and about Detroit organized the Patriot Army of the Northwest with Henry S. Handy of Illinois as Commander-in-chief who was given authority over the whole of western Canada; James M. Wilson was commissioned as Major General, Elijah J. Roberts of Detroit was made Brigadier General of the first brigade and Edward A. Theller, Brigadier General to command the first brigade of French and Irish troops to be raised in Canada. Canada West was now ablaze with excitement, and General Hugh Brady of Detroit, United States department commander, with prompt action, sought with the limited forces at his command to protect the frontier, sending a detachment of the Brady Guards to bring the field pieces, arms and ammunition at Fort Gratiot to Detroit that it might not fall into the hands of the Patriots. As a measure of safety, four hundred and fifty stand of arms had been stored in the jail which was then located near the site of the present Detroit public library. Between the hours of two and three o'clock on the morning of the 6th of January a company of some twenty or thirty men secreted themselves near the jail, while one of the number aroused David Thompson, the jailer, who as soon as he had opened the door, was pushed aside by the company which now rushed from the place of concealment into the jail and soon had possession of the guns. At about the same time, confederates took possession of the schooner Ann moored at one of the wharves beside the river, and long before day break, three iron cannons, the State's arms, a quantity of provisions and one hundred and thirty-two men were taken on board the vessel which was headed down stream. Adverse winds made progress

slow and in the afternoon United States Marshal Ten Eyck acting under authority of the District Attorney with a force of citizens proceeded to Ecorse, where they hailed the vessel and commanded her surrender to the United States authorities, a command that was derisively refused. Small boats filled with Patriots put off from the adjoining shore at intervals and their passengers were transferred to the Ann which proceeded to Gibraltar, where the party was landed that evening, being joined by some sixty recruits that had just arrived from Cleveland on the steamer Erie and by some three hundred Canadian refugees. Upon the report of the Marshal being made that the force in charge of the Ann had resisted the process and commands of the Federal authority, the District Attorney at once made a requisition upon Governor Mason for troops wherewith to enforce the authority that had been resisted. The Governor promptly gave orders for the embodying of a force from the militia, which was soon accomplished; as during the day a meeting had been held at the City Hall in response to a call from the Governor to devise means to preserve neutrality at which addresses were delivered by a number of prominent citizens of Detroit, in consequence of which much interest was created. Although it was one o'clock in the morning, Governor Mason and his volunteer militia at once started for Dearbornville for arms from the United States Arsenal, through rain and part of the way on foot; the twenty miles was covered, and by two o'clock on the afternoon of the 8th, the Governor and his force, two hundred and twenty strong, were on board the Brady and the Erie bound for Gibraltar to arrest the Ann and her warlike crew. Upon arriving

at Gibraltar, it was discovered that the Ann and a large portion of the Patriot force had crossed to one of the islands outside of American jurisdiction, and the Michigan forces therefore returned to Detroit where they arrived a little before midnight.

Some Canadian partisans have been inclined to charge the Michigan authorities with a lack of honest purpose in going to Gibraltar at this time, and stories have been written to the effect that while there the Governor spent his time carousing and drinking wine with the Patriot leaders; but as Canadian authorities at the time were not inclined to credit the authorities of the State with any purpose other than to assist the rebels, all such stories should be accepted with much discount, as such charges were totally at variance with the Governor's conduct both before and after the incident in question.

Meanwhile, great excitement prevailed on the Canadian shore. The small military forces of Kent and Essex Counties were hurried to Windsor to prevent the threatened invasion. About one hundred strong they were placed on board the steamer United, which later started in pursuit of the Ann, but they were too late to intercept that vessel, as they met Governor Mason in the Brady returning when near Fighting Island. The United, however, continued to the Lime Kilns some fourteen miles below where in the moonlight the Ann could be plainly seen moored in front of the dilapidated barracks of Malden (now Amherstburg). An occasional flash and boom from her deck showed that the crew were firing their one cannon at the defenseless town. The United discharged her force at the Lime Kilns, from whence on the coming of morning they marched to Amherstburg.

and a little later stationed themselves at Elliott's Point at the lower end of the town where they took up a defensive watch for the day, the Patriots evidently awaiting reinforcements that should make more certain the outcome of their anticipated attack upon the mainland. A body of such reinforcements under General Sutherland, who had come the day before, took up their position on a nearby island. The attempt of the Patriots at Detroit to send forward further forces was for the time frustrated although at about three o'clock on the morning of the 9th, a body of Patriots succeeded in getting possession of the Brady as she lay at her dock; but before they were able to get her away, the authorities were present in sufficient force to disperse them and take possession of the arms they had smuggled aboard.

These doings, as well may be imagined, were attended by the wildest excitement on both sides of the river. During the day, four of the magistrates at Sandwich addressed a joint note to Governor Mason setting forth that an armed vessel from the State of Michigan had already made an attack upon their country, and making inquiry as to whether he considered such invading force under the protection of the United States and whether he would consider it an invasion of the territorial limits of the State if the invaders were followed by the Canadian forces and attacked wherever they could be found.

To this note the Governor made an immediate and extended reply. He called the attention of the Canadian authorities to the division of State and Federal powers in our Government and made plain to them that among the powers delegated to the Federal Government were the powers of peace and war, and that under such powers

Congress had enacted laws for the preservation of neutrality and guaranteed the faith of treaties between the United States and other Governments. The Governor further called attention to the fact that these laws were enforceable through national authority and that, as Governor, his duty in the premises began only when his intervention was asked to give effect to the process of the Federal courts after the same had been resisted. In this connection the Governor proceeded to say, "You will find the constituted authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their country;" adverting to the other subject of inquiry, he added, "I must state that all persons proceeding from this State and found in arms within the jurisdiction of the province of Upper Canada have lost all claim to the protection of the laws of the United States and of this State, and whilst all intercourse between the United States and foreign powers belongs to the Federal Government, I cannot permit without resistance any invasion upon the soil of the sovereign and independent State over which I preside as chief magistrate."

This position, which every one familiar with the principles of our Government recognizes as correct, was far from satisfactory to the Canadian radical mind and hasty temper, who could see in the stand of the Governor only an effort to protect a body of what he termed "brigands."

The day at Amherstburg wore away with nothing accomplished. The Patriots were too fearful of their lack of arms and ammunition, to trust a conflict upon the mainland, while the Canadians were too limited in

number to become enthusiastic over the project of boarding the schooner in a hand to hand struggle. As evening approached, however, the Canadians crawled closer to the river and from convenient covers began a galling fire upon the schooner which offered a fine target in the bright moonlight. With a purpose to get in a less exposed position, the schooner left her moorings at about seven o'clock and sought to tack across to Bois Blanc Island, where a large body of Patriots were posted. As the schooner began to move away, the Canadians from the gloom of the shore and from behind trees and other obstructions brought every rifle into requisition and poured a fusillade of bullets into the large looming bulk. The Patriots returned an ineffective fire as they slowly moved away. The man at the helm was soon shot down; several of the crew and Patriot force were suffering from serious wounds, and, to add to their demoralization, the bullets from the shore by chance cut the halyards, letting the main sail down. With the schooner thus unmanageable and helpless, the whole force sought safety in the hold. Drifting with the current, the vessel ran aground at Elliott's Point. Here General Theller and a few of his companions sought to bring their cannon into play upon the enemy but they were soon compelled to surrender to the Canadian force by which they were boarded. The report of the capture listed among the items taken 300 muskets, 299 bayonets, 106 knapsacks, 10 kegs of gunpowder, 2 fifty pound bags of shot, 2 six-pounders and one nine-pounder iron guns, half a keg of bullets, 60 pounds of lead and a number of sets of accoutrements. The prisoners taken numbered about thirty, among whom were several residents of Monroe and other

Michigan towns. General Sutherland of Bois Blanc is said to have watched the capture of the Ann and to have at once sought safety on the Michigan side of the boundary much to the chagrin of his officers and troops.

The Patriots of Detroit, not yet apprised of the fate of the Ann, at two o'clock on the morning of the 10th again sought to gain possession of a boat to carry further supplies and recruits to the Patriot camp. Their efforts were more successful than on the night previous, and after a short contest with General Brady and a few guardsmen, with the help of sympathizing bystanders, they had the Erie steaming toward Gibraltar, where, arriving, more supplies and recruits were taken on and all taken to the main camp at Sugar Island.

The capture of the Ann and the theft of the Erie now raised excitement to a fever heat. A story gained credence upon the Canadian shore to the effect that during the night they were to be invaded and attacked by a force of fifteen hundred from Detroit. Again the magistrates of Sandwich addressed a note to Governor Mason detailing their fears and praying his intervention to stop the threatened invasion. This appeal was seconded by the personal representations of certain of the clergymen from across the border. In response to their entreaties, the Governor again repaired to Sugar Island and sought to persuade the Patriots to relinquish their designs, and as he thought, succeeded, as they were induced to break camp and all returned to Gibraltar where they were landed during the night of the 11th, the Governor returning to Detroit the following day. The Patriots returned the steamer Erie and on the 13th Governor Mason and the mayor of Detroit joined in a proclamation calling a

meeting of the citizens at the City Hall, which being convened was addressed by Daniel Goodwin district attorney, Peter Morey attorney general, and by many other citizens. At the conclusion, resolutions were adopted pledging support to the Government in its effort to preserve neutrality.

On January 27 the Robert Fulton arrived from Buffalo with three companies of United States troops on board under command of Colonel Worth, who had been detailed by General Scott to preserve neutrality on the Detroit frontier, and who at the same time communicated with Governor Mason requesting him to furnish from the militia to General Brady such troops as he might make requisition for; but so quiet had matters become that on the 2nd of February the Governor could write General Scott, "that tranquillity is entirely restored to this frontier." But the Patriots had not yet disbanded and there were soon indications that tranquility was to be again disturbed. The contents of the letter would indicate that it was about this time that Governor Mason communicated with Colonel Prince of the Canadian militia in regard to the prisoners taken by him upon the capture of the schooner Ann. The letter is important for the insight it affords into the sentiments and character of the Governor rather than for any historical bearing it may have. It is as follows:

"Detroit 1838.

"My dear sir:

"As the period approaches when you may be permitted to repair to your post at Toronto, I am induced to address you on a subject of melancholy interest to me,

and I have no doubt equally so to you, I allude to the fate of the unfortunate and deluded individuals who have fallen into the hands of the civil authorities of your province by the capture of the schooner Ann near Malden.

"Sensible as I am that I cannot approach the Governor of Upper Canada in behalf of those individuals in my official character, my only mode of exerting any influence in their behalf is as a private citizen through the agency of your humane and kind feelings. I cannot nor do I pretend to justify the act for which they may suffer the penalty of your laws. But sir, 'To err is human, to forgive divine.' Look at the circumstances by which they have been surrounded; listen to the tales of woe they may have heard from refugees from the alleged tryanny of another government; think of the motives by which they were actuated, I am sure you will say with me they have been deluded, misguided, and blindly led into error. Permit me also to refer to your voluntary offer to intercede in their behalf, in the event that their associates would abandon their unlawful objects and deliver their arms to the authorities of this State. I have used your declaration with effect, and I am happy to say to you that all those who have assembled with hostile intentions against the government or people of Canada have dispersed and have placed all their arms in my possession. Those arms I have deposited for safe keeping in the United States Arsenal at Dearbornville.

"In relation to Dr. Theller, who although he seems (and I must confess deservedly) to have enlisted little of your favor, I must still beg leave to intercede in his behalf. His conduct no brave man can justify. But

whatever he may be to the world, his widowed wife and helpless children claim consideration. He is a husband and father, and even with the worst those ties are dear and tender. If then, Theller can ask nothing for himself, let his dependent family speak for him.

"I would if I could consistently address Sir Francis himself, but I need not say to you, sir, that the character of the offense with which the persons for whom I intercede stand charged and the circumstances attending its commission preclude an act which would be most gratifying to me. I must then beg you to represent me and I am sure you will say all and more than I could say and with much more effect. Speak then for these unfortunate persons as a man, forgetting the officer. In your own language "the brightest jewel of the British crown is mercy;" and that crown sits on the brow of a virgin queen the glory of whose reign I feel will never be dimmed by blood or human tears.

"Excuse me for the trouble I may give you, but I am sure you will appreciate the motives by which I am actuated and that I need only add the assurance with which I am

"Your obedient servant,

S. T. MASON.

"To Col. John Prince,
Sandwich, U. C."

One cannot read this letter without a high appreciation of the ability of the writer and without a feeling that it should acquit him of the charge of having as Governor of Michigan, or in his private capacity, given moral sup-

port to the program involving the invasion of a neighboring country in violation of law and solemn treaty obligations.

On January 13, 1838, Navy Island was evacuated by the Patriot forces who now despaired of entering Canada from this quarter. General Donald McLeod, a man of education who had seen service in the British Army and a Canadian refugee, was now made General-in-chief of the Patriot forces. The arms and supplies were secreted, and from Buffalo were ultimately transferred to farmers' wagons and transported around the southern shore of Lake Erie. Large bands of men followed the same course. Secret organizations known as Hunters' Lodges were now instituted in all the border towns and cities. They were a fraternity whose membership consisted of Canadian refugees and Patriot sympathizers, numbering among them many gentlemen of worth and standing in the civil and military affairs of the States, as well as a goodly number of adventurous renegades, such as are always ready to attach themselves to any movement that promises excitement and easy living. These lodges were said to exist as far south as Kentucky, westward from New England to Chicago, and as far north as Port Huron; and in their secret meetings the wrongs of Canada were eloquently depicted and the sinews of revolt collected.

From the first, the Brady Guards under command of old General Hugh Brady had formed the only effective body of men for guard duty on the Michigan shore. A detachment of the company had brought down the arms from Fort Gratiot as heretofore stated; another detachment for some months was on guard at the United States

Arsenal at Dearbornville; while still another in relays guarded the river front and when the Patriots sought to gain possession of arms or boats gave the alarm by ringing the bell of the old Presbyterian Church which brought the remainder of the company and a considerable portion of the population as well, ready for service.

Mr. George C. Bates, a talented, cultured gentleman, orderly sergeant of the Brady Guards, who for many years survived the events of 1838, has left us many interesting reminiscences of the time, among which is a pen picture of the difficulties under which they performed their duties. Said he, "Not unfrequently jeered at, sneered at and insulted by crowds of ragged Patriots, who, shivering with the cold, gathered like gypsies in large bands around their camp fires, and whenever those in authority sought to scatter or warn them of danger of violation of our neutrality laws, they would turn upon them with ribald, jeers, profane objurations, and even denounce such men as Brady and Scott as 'Damned old Tories,' 'lickspittles of the British crown,' and 'menials of the Tories of England,' " and he adds that "The difficulty of preserving the peace was greatly enhanced by threats and denunciations of the British authorities at Sandwich and Malden," who, he says, "constantly visited the American authorities at Detroit, Wyandotte and Grosse Isle, and in the most excited manner threatened to burn our houses, destroy our steamers and vessels and slaughter our citizens, unless the Patriots were driven away back to their homes."

The straggling bands of Patriots which now began to arrive, renewed the enthusiasm that had been somewhat depressed by the marksmanship of the Canadian militia

at the capture of the schooner Ann. On February 11 Governor Mason communicated information as to the situation to President Van Buren, who had already by proclamation and other means sought to preserve the neutrality of the United States, saying, "I regret to inform you, that contrary to my most confident expectations, this frontier is again thrown into a state of confusion by the appearance of the force recently disbanded and dispersed from Navy Island. I have no idea that this assemblage of persons can make an effective impression on the Canadian shore: but the fact of their appearance is calculated to keep this side of the line in a continued ferment, and the opposite shore in a constant state of alarm and apprehension."

The Governor proceeded to inform the President at length as to the exact situation and of the necessity for a law permitting the seizure of such boxes as the authorities had good reason to believe contained arms and munitions of war, whereby he urged that the forces of disturbance might soon be disarmed and permanent tranquillity restored.

Even as the Governor penned his letter detailing his apprehensions, General Brady under instructions of General Scott made requisition upon the State government for a military force wherewith to more effectually protect the frontier. Governor Mason accordingly called out six companies of the State militia and on the 12th of February accompanied them to Gibraltar. The weather which theretofore had been unusually mild, now became correspondingly severe. Upon the appearance of the militia and after conference between the Governor and the Patriot leaders, the Patriot forces seemingly dis-

banded, and the militia returned to Detroit. But the Patriots seemed to have a habit of disbanding in one place to gather at once in a new place. Indeed, while they were being persuaded to disband at Gibraltar, a detachment of their force was stealing twelve boxes of arms that had just been brought from Dearbornville to Detroit for the use of the militia. Two days later, before they could be taken from the city, they were discovered in a garret over a ball alley and returned. On the day following the theft of the arms the Patriots succeeded in replenishing their commissary by the theft of one hundred and one barrels of flour from the steamboat General Brady as the steamer was lying in the river near the city. With wisdom born of this experience, the Brady Guards were at once dispatched to convoy provisions which it was necessary to transport from Gibraltar for troops then stationed at Monroe.

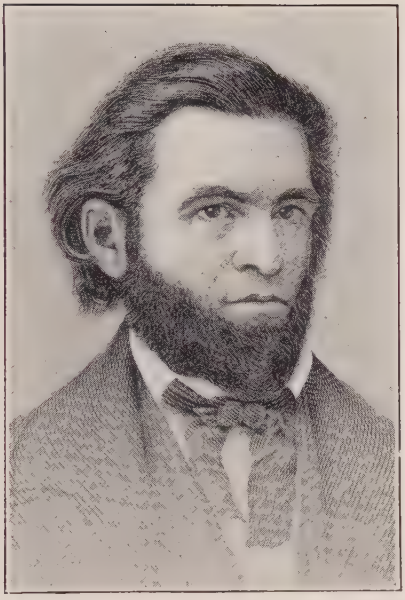
As the continuing cold weather had now frozen the river from shore to shore, the Patriots began preparations for a concerted rush across the line. As yet they were sorely lacking in arms and munitions and at about this time had recourse to a piece of strategy, which, had it succeeded, might have resulted in the addition of a few hundred stand of arms being added to their equipment. A story was started in Detroit that a volunteer company was being organized in Canada for the purpose of crossing the river and firing the city. The story was told with a wealth of detail and confirmation calculated to create a great excitement; the intention being that when the excitement was at its height to present a petition to the Governor and induce him if possible to call for volunteers for the emergency; then the secret friends of the Patriots

were to come forward in goodly number, be sworn in, draw arms and ammunition and be off. The Governor was early advised of the scheme and the people were warned against unfounded rumor, and as there was no excitement there was no basis for the issuance of arms.

On February 19 the Patriots who had been about Detroit in considerable numbers for several days suddenly decamped, some going up and some down the river. On the 22nd the Brady Guards went as far as St. Clair to prevent an attack upon Port Sarnia, only to learn the next day that Patriot forces were gathering at Thomas' Tavern some five miles below Gibraltar. Tired and weary the Guards returned to Detroit, only to be brought from their beds by the ringing of the bell on the night of the 24th, and to find upon reaching headquarters that sleighs had been provided and that orders had been issued for the guards and United States recruits, which had been increased by one more company from Buffalo on the 14th, to move down the Detroit River until they should meet Patriots advancing or until they should come to the position they had taken up. It was known, now the ice had formed, the Patriots were rallying all their forces available for a dash across the line, the effort to be timed with other efforts upon the St. Lawrence and from Lake Erie ports. During the night of the 23rd the Patriots in three divisions moved up as far as Ecorse, from whence, shortly after noon on the 24th, they passed over and established themselves upon Fighting Island across the national boundary. The Canadian forces immediately gathered opposite the island and about 4 P. M. the Guards and United States troops under command of General Brady, were drawn

THEODORE ROMEYN
Detroit Attorney associated with Gov. Mason in the $5,000,000 loan.

HENRY HOWARD
First Treasurer of the State of Michigan.



ELIJAH J. ROBERTS

Detroit attorney and newspaper man. Adjutant General of Michigan 1842-44 and later in the State Legislature.

up upon the American shore; Hon. Daniel Goodwin United States District Attorney, Conrad Ten Eyck United States Marshal, and Hon. Ross Wilkins District Judge, were present as the representatives of the civil authority. General Brady at once stationed his forces so as to cut off as far as possible the straggling bands that were crossing from above and below to the Patriot camp upon the island. The Patriot force presented little of the appearance of an army; scantily clad, poorly fed and but little more than half armed, they shivered about their camp fires presenting a sorry if not dejected spectacle. His camp established and his troops placed, General Brady at once dispatched two officers by sleigh with instructions to proceed to Malden and there inform Colonel Basden, commander of the British forces, that the United States forces under General Brady assisting the United States civil authorities, had taken a position opposite Fighting Island for the purpose of enforcing the neutrality laws of the United States, and that they would prevent all armed persons from crossing to Canadian territory and would arrest all such as sought to retreat therefrom; that they were acting under authority of the President of the United States and were in good faith determined to prevent any violation of the laws of the United States or the personal or property rights of the British people. A little after night-fall the couriers returned and reported a story of rather uncivil treatment from Col. Basden as well as a reply to the effect that while he had the highest regard for Gen. Brady, he had none whatever for the civil authorities of the United States, and that he should, regardless of Gen. Brady or his command, attack the "damned vagabonds on Fighting

Island before daylight the next morning; that he would clean them out with grape and canister from his batteries, and that if they retreated to the United States he would follow them and kill them wherever he could overtake them."

The delivery of this reply raised the lion in the old general and he at once detailed a detachment to pace off and mark the national boundary with flags set in the ice about one hundred feet apart; this done he brought his forces into line and impressively told them that they were there to enforce the laws of the United States and to arrest all offenders against them. Said he, "My orders to you are as heretofore, to arrest and prevent all armed men from proceeding over to Fighting Island; to capture and turn over to the United States Marshal as prisoners all men who shall retreat from Fighting Island to our shore." Pointing significantly to the line that had been marked upon the river, he proceeded, saying, "Soldiers you see before you clearly marked by yonder guides the boundary line between the United States and Canada. If a British soldier or officer in arms crosses inside our lines, I charge you all to beat them back, to capture and to kill them if necessary, to protect our sovereignty." The orders were received with wild cheers from the troops who turned in to await the coming of the morning. With the first gray of the winter's dawn the Patriots attempted to take a gun carriage from the Michigan mainland to the island upon which to mount their one cannon, which for want of a better carriage had been placed upon a platform of logs and rails. Almost immediately the Canadian troops began a heavy cannonading of the Patriot camp upon the island. The Patriots

replied as best they could from their few muskets and one cannon which at every discharge rolled from its unstable platform and had to be picked up and replaced for the next shot. As the Canadian troops advanced the Patriots retreated across the ice to the mainland where they were disarmed and the leaders taken into custody. The loyalists advanced to the marked line where they saluted and returned, Col. Basden not seeming to desire to make good his threat of the night before. There are no reliable data as to the casualties upon either side. The most authentic reports would seem to indicate that none were killed, although the Patriots had five seriously wounded who were brought to Detroit for surgical treatment.

On the day following, Monday, the 26th, General Scott arrived at Detroit to give personal attention and direction to the placing and distribution of the troops upon the frontier. In the exasperated and excited state of the public mind on the Canadian border we may well imagine that citizens of the United States were not welcome visitors upon the Canadian shore even when their mission was peaceful and law abiding. Not a few such were arrested and thrown into the Sandwich jail. These incidents brought prompt although possibly ineffectual protests from Governor Mason to the Canadian magistrates and others in authority, and requests that unless the charges made could be sustained, the person under arrest be discharged and allowed to return to the United States.

While attempts to invade Canada from Michigan ceased for the time being with the battle of Fighting Island, the feeling of exasperation among the loyal subjects of Upper Canada towards the authorities of Mich-

igan seemingly increased rather than abated. This feeling the Canadians made no attempt to disguise. They began military movements across the border which the citizens of Detroit could interpret only as preparations for offensive warfare. A pronounced spirit of retaliation was soon manifested among the citizens of Detroit even among those who were in favor of the preservation of neutrality in the first instance.

Governor Mason was himself suspicious of the designs of the British authorities, and on March 6th wrote President Van Buren as to the state of public feeling, the activities upon the Canadian shore, and the defenseless condition of Michigan in case of rupture. The day following, the citizens of Detroit gathered at the City Hall to consult upon the same questions, as well as upon the treatment of prisoners which had been taken by the Canadians. The result of the meeting was the appointment of D. E. Hardbaugh, A. D. Fraser, P. Desnoyer, C. C. Trowbridge and E. Brooks as a committee to consider the situation and report. On the 12th the people again gathered in a large meeting at the City Hall. The Committee reported, and the meeting adopted resolutions favoring neutrality, and protested against statements said to have been made in the Canadian Parliament to the effect that the citizens of Detroit were extending aid and sympathy to the Patriots. A few days later the Legislature unanimously joined in a signed statement of the defenseless condition of the frontier, which the Governor at once forwarded to the Secretary of War with a personal letter again joining in the representations made, and calling attention to the activity of the Canadian authorities in the concentration of their mili-

tary forces opposite to Detroit and to their securing command of the best steamers upon the Lakes.

The apprehension of the Governor and of the people of Detroit did not seem to be shared by the officers of the General government, or they were unable to comply with the requests made for an additional force, for no such force or equipment was forwarded to this frontier until the following autumn.

During the summer, from two to three hundred Patriots were for a time in camp near the eastern limits of the city, and with the approach of Fall there were renewed evidences of activity among Hunters' Lodges and Patriot sympathizers in all the border towns and cities. On November 3 the British Minister, Mr. Fox, transmitted to the Secretary of State at Washington a communication setting forth at considerable length the information which the British government through its secret service had been able to obtain of the contemplated movements, purposes and designs of the Patriots, which disclosed a conspiracy of astonishing proportions if their information was to be believed. A copy of the communication was confidentially mailed to Governor Mason and his attention directed to its various suggestions. The Government at once exerted itself to do all in its power to prevent its territory from being used as a base of operations against the neighboring province of Canada. Between the 14th and 16th of November ten thousand muskets were forwarded to the arsenal at Dearbornville, and the General Government showed in other ways that it was determined to stop the doings of the year before, so far as they could be said to be in violation of the neutrality of this Nation. Reports became current that the

Patriots were gathering at Cleveland and Sandusky. General Brady chartered the steamer Illinois, and while steaming down the river on November 19th picked up a schooner in which were discovered some three hundred stand of arms designed for the Patriot troops. These were confiscated. Troops were placed at intervals along the river to prevent disturbance upon the land and the Steamer Erie for the same purpose patroled the river. On the 21st the Patriots recouped for the loss of the arms taken by Gen. Brady two days before by stealing the arms of the Brady Guards, which were retaken however on the 23rd.

Although hampered at every turn, the Patriots still clung to their purpose with a tenacity that is difficult to understand. About five hundred refugees had now congregated at the pioneer village of Brest, from whence they moved up to what was then Forsyth farm, now within the city limits. Here on Sunday, December 2, they were surrounded during the night by troops under Gen. Brady; twelve boxes of muskets were captured and the gathering dispersed. Instead of being discouraged by the watchfulness of the United States authorities, the refugees and Patriots were seemingly made more determined and desperate. On the morning of December 4th, at about 2 A. M., a company of Patriots about one hundred and thirty-five strong stealthily marched into Detroit to the wharf where the steamboat Champlain lay. Before the authorities were aroused the Patriots had steam up, their troops and equipment on board, and were steaming for the Canadian shore, where they landed some distance above Windsor. They were not discovered by the Canadians until the advancing col-

umn was seen through the gloom by the cavalry patrol. A few shots only followed before the thoroughly surprised soldiers at the Windsor Barracks were forced to surrender, not over a dozen of the one hundred and twenty-five escaping. The Patriots then proceeded to fire the Barracks, which burning consumed a couple of dwellings near by as well as the steamer Thames which lay at a dock nearly opposite. Five soldiers were said to have perished in the burning Barracks. The details of the "Battle of Windsor," as it has been called, would alone make a chapter. With the coming of the dawn a force of some four or five hundred Canadian troops were closing in on the little body of Patriots, and while they stood their ground for a little time they were soon scattered in disorder. Among the casualties in the Canadian troops there were said to be four killed and four wounded. Among the former was Dr. John J. Hume, Assistant Surgeon of the troops, whose grave in the Sandwich churchyard may still be seen. It is marked with a stone upon which is engraved the following epitaph, the same voicing the indignation of its author Col. John Prince:

SACRED
To the Memory of
John James Hume Esqre. M.D.
Staff Assistant Surgeon
who was inhumanely murdered and his body afterwards brutally mangled by a gang of armed ruffians from the United States
Styling themselves
"PATRIOTS"

who committed this cowardly and shameful outrage on the morning of the 4th of December, 1838: having intercepted the deceased while proceeding to render professional assistance to her Majestie's gallant Militia engaged at Windsor, U. C. in repelling the incursion of this rebel crew more properly styled

PIRATES.

The rout of the Patriots was disastrous. Accounts of the number killed do not agree, but Col. Prince reported twenty-one. Sixty-five were said to have been taken prisoners, and ten or a dozen more were said to have died from exposure the night and day following in the adjoining fields and forests. Four of the prisoners taken and some of them desperately wounded, were by order of Col. Prince stood up and riddled with shot. Prince seemed to have been governed by the fury of a savage, and would have continued his work of massacre had his hand not been stayed by his more humane associates. Of the little Patriot army that crossed over, not more than thirty returned, and not then until they had been secreted for days by sympathetic Canadian farmers.

The whole population of Detroit watched the sanguinary conflict from the opposing shore. The excitement in the city was beyond description, and to guard the city forty watchmen were appointed to patrol the streets that night, the number being increased to one hundred and fifty the night following. The battle of Windsor proved to be the last important conflict of the Patriot war, although a considerable body of troops were maintained upon the Canadian shore for a long space of time. Of the prisoners taken, a few, and among the number Dr.

Theller, escaped from prison. He returned to Detroit on the very day of the battle of Windsor. He lived for many years thereafter and in 1841 wrote a two-volume account of the rebellion and his own reminiscences. For months the gallows was kept busy, some twenty-five or thirty paying the forfeit of their lives for their heroic temerity, while scores of others died or returned after long lingering years of banishment in the Bermudas or in Van Dieman's Land.

The rebellion though crushed, and its leaders hanged and transported, accomplished its purpose. It was the inevitable result of misgovernment, and Canada and the mother country profited even by their failure. From the Canada of the "Family Compact," and what Lord Durham in 1838 described as a government of "Constituted Anarchy," there came forth the New Canada, blessed with the institutions of liberty, equality and justice.

CHAPTER XVIII

Banks and Banking

THE passage of the general banking law and the causes which led to it have already been detailed. The first association to perfect its organization under the law was the Farmer's Bank of Homer, located at the village of that name, in the county of Calhoun. It began business August 19, 1837, with a reported capital of $100,000, a sum that must have been ample for the needs of the immediate community in view of the fact that the next year it was described as a village having a store, a sawmill, a postoffice and about two hundred inhabitants. Before the end of the following November seven more banks had been organized and had commenced business. As yet there seems to have been no local distrust of the associations or of the circulation they were handing to the public fresh from the printing press. On December 6 Mr. Edwin N. Bridges, the banking commissioner made a report showing the condition of the banks according to the November returns. He suggested several particulars wherein the general banking law might be improved by amendment, but he undoubtedly voiced a fair measure of public sentiment when he said, "In supplying a circulating medium at home, the want of which was already greatly felt, the banks which have gone into operation under the general banking law have effected a sensible relief, and have thus acquired a not unmerited popularity," and he adds, "The additional

safeguards with which it is proper to surround them, will entitle them to increased confidence and favor." Had the Commissioner written his report a few weeks later, it is altogether probable that he would have spoken with far less optimism, for the month of December witnessed the organization of twelve associations and the month of January, 1838, still fifteen more, a total of forty having completed their organizations by the following May 20. The number was ultimately raised to forty-nine, with twenty-one more in various stages of their organization, when the end came through the repeal of the law. That in the beginning the great majority of the promoters of these banking associations anticipated the evils that were to attend these efforts, is not to be presumed. They were generally men of standing and reputation, who entered the business ignorant of the science of banking and the laws of finance, but with honorable purposes. That they were to be the instruments of a public calamity was as far from their thoughts as from the thoughts of the men who framed the law under which they acted.

The Legislature which convened in adjourned session in November, 1837, addressed itself to the work of perfecting the defects which had been disclosed in the banking law during the brief time it had been in operation. On December 30 Governor Mason approved an amendment to the general banking law, which while in the form of an amendment, was really a re-draft of the law. It retained all of the essential features of the previous law, adding a few provisions intended to further safeguard the appraisement of the securities to be given for the security of bank circulation, and required more frequent reports, provided for three banking commissioners in-

stead of one, and sought to prevent the issue of circulation by banks in an insolvent condition by providing, that before any bill should be issued, it should bear the indorsement of a commissioner; and that in other ways it sought to enlarge the powers of the commissioners and the responsibilities of the associations. This amendment passed both Houses of the Legislature by a vote quite as unanimous as was given to the original statute.

Contemporaneous with this Act was passed an Act providing that no bank going into operation after the first day of January 1838, should be permitted to suspend specie payment, a measure which it was believed would seriously limit, if it did not prohibit, the organization of new banks, and which likewise indicates a dawning distrust of the soundness of the institutions that had been permitted to issue currency which the general public could not ask to have redeemed in specie; but the full realization of the situation was not to come until a few weeks later.

On January 15, 1838, Governor Mason sent to the Senate the names of Edwin N. Bridges, Charles W. Whipple and Thomas Fitzgerald as bank commissioners under the Act of December 30. The nomination of Thomas Fitzgerald was at once confirmed, and the nominations of Messrs. Bridges and Whipple rejected. On February 2 the Governor, to fill the two remaining places, sent to the Senate the names of Alpheus Felch and Kintzing Pritchette, the latter having in the meantime been rejected as Secretary of State, to which office Randolph Manning was nominated and on the 6th of February duly confirmed. Both Felch and Pritchette were subse-

quently confirmed, and at once qualified and proceeded with the duties of their office.

In the larger towns and villages where banks had been organized, there was at first a disposition to conduct the business as close to proper standards as the limited knowledge of the operators would permit; but unfortunately, of the many who essayed to prosecute the business a considerable number were not even honest. As usual in such cases the trickster and criminal discovered the weaknesses of the law and the opportunities it offered for schemes of fraud and trickery before they were discovered by the general public.

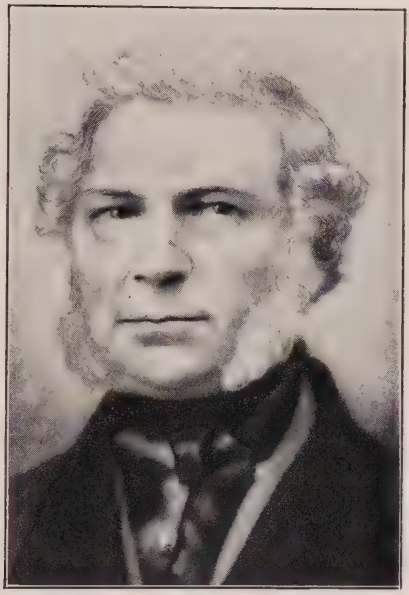
The law provided that before any bank should begin operations, thirty per cent of its capital stock should be paid in *in specie*. Thus the law provided, in plain terms, that before associations issued their promises to pay, *bona fide* capital in gold and silver to the amount of thirty per cent of their authorized capital stock, should be in their "strong box." A mandate so plain, it would seem, would hardly have been evaded, but it was a requirement that in actual operation seems to have been violated with impunity. In the organization of a number of banks, instead of specie a kind of paper that came to be known as "specie certificate" was used. Such certificates were issued by bank officers, and sometimes by individuals and firms in general business, and in form acknowledged the receipt of specie held on deposit. These spurious substitutes for real coin were plentifully issued by certain gentlemen and institutions in Detroit, and at other places, and became the basis upon which many an institution became a bank of issue. One writer

has given a list of twenty-four banks that began business with these legal evasions as the only items of value in their capital. In some cases it was said that specie was borrowed for the occasion, was used and immediately returned. Another scheme which must have taxed the imagination of the organizers was, to take the individual notes of the stock subscribers denominated "stock notes" and, because payable in coin, were received and counted as specie. Hon. Alpheus Felch in later years, writing with an intimate knowledge of the tricks and evasions that characterized the operations of the "wildcat" banks, tells of one bank, the Oakland County Bank, which was organized upon a specie certificate for $10,000, and $5,000 in actual specie borrowed from another bank, which, to make up the required amount, was paid in three times and counted as $15,000 was used. The certificate was given by an accommodating bank to the individual interest in organizing the Lapeer bank without his having made a deposit or having anything in the bank to his credit. The certificate was cancelled by the check of the pretended depositor which was made simultaneously with it. The Wayne County Bank was said to have been put in operation by the checks of stockholders which were never presented, acknowledged or paid. The Bank of Saline began business on a specie certificate for $15,000 which was taken away as soon as the bank was in operation, while the Farmers and Mechanics Bank of Pontiac borrowed the necessary specie to be exhibited as capital stock paid in. The bank of Sandstone did not even resort to a subterfuge. It put $38,000 of its bills in circulation with no specie either owned or borrowed in its possession, while the Exchange Bank of Shiawassee

floated $22,261 of paper on exactly seven copper coins and an exceedingly small amount of paper currency in its safe. The Jackson County Bank acquired $70,000 of indebtedness upon the pompous show of good sized boxes filled with nails and glass and with a few layers of silver dollars upon the top. Here a director took his oath that a certain box of specie was the property of the bank and later brought an action against the institution to recover it as his individual property, so that in the end it was found that the $70,000 of circulation rested upon less than $5,000 of actual assets. The Farmers and Merchants Bank of St. Joseph at Centerville was another institution that dispensed with the legal formalities that had been prescribed in the statute, and with little more than a stock of "precious paper promises" had them in the hands of an unsuspecting public to the amount of $19,860 before their work could be stopped. Of the notes of this institution, the Attorney General Peter Morey later said, "They went forth with a lie upon their very faces, as they purported to be upon a bank which had, in truth, no legal existence and which never possessed, it is believed, one cent of real capital, and which had nothing to sustain it but the sublimated effrontery and fraud of its principal founder."

If the law providing for the specie basis was in many instances transgressed and evaded, the provision requiring mortgage security upon unincumbered real estate for the ultimate redemption of the bank circulation was violated with at least equal impunity. This latter provision, as would be at once seen, was designed to make certain an abundance of security over and above the individual liability of stockholders and directors and after

the safety fund had been exhausted. It was considered to be one of the most salutary provisions of the amended act, providing as it did that such mortgage security should cover the full liabilities of the bank both for its notes of issue and general indebtedness, the security being upon real estate the value of which was determined by an appraisement made by the Sheriff, Treasurer, Clerk, and Associate Judges of the county, or a majority of them. But the value of this provision as an added element of safety depended entirely upon the fidelity with which the spirit as well as the letter of the law was observed, and this under the conditions that then existed was well-nigh impossible. Speculative standards had not yet wholly passed away. Values had for a considerable time been measured in an inflated currency, and many a promoter was still honest in the belief that the "paper cities" and new locations only awaited the passing of the temporary depression to become thriving marts of trade. The county officers whose duty it was to fix the appraisal value of the lands upon which the mortgage securities were offered, could not entirely resist the influence of the prevailing sentiment, or their friendship for the numerous bank promoters, or in some instances of their own personal interests. The result was that in some instances security was taken that was almost worthless. For instance, the Shiawassee Exchange Bank furnished approximately $22,000 of its required security by a mortgage upon a fortieth interest in the city of Portsmouth, a city projected by several gentlemen of Detroit, among whom was Governor Mason, near the present site of Bay City. The Detroit City Bank included among its securities mortgages upon lots in the village of Cas-



GEN. JOHN E. SCHWARZ

Adjutant General of the Territorial militia in 1831 and first Adjutant General of the State of Michigan. Later a member of the State Legislature.

WILLIAM WOODBRIDGE

Delegate to Congress in 1819. Judge of the U. S. Supreme Court, 1828-32. Member of the first State Constitutional Convention. State Senator 1835-9. Governor of Michigan 1840-41. U. S. Senator 1841-47

STEVENS T. MASON,

GOVERNOR IN AND OVER THE STATE OF MICHIGAN:

To all who shall see these presents—Greeting:

Know Ye, That, reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of Oren Marsh, in the name and by the authority of the people of the State of Michigan, I DO HEREBY APPOINT him a Captain within the limits of the said State; He is therefore carefully and diligently to discharge the duties of a Captain of the First Division First Brigade First Regiment (A) Company, by doing and performing all the duties thereunto belonging. And I do strictly charge and require all Officers and Soldiers under his command to be obedient to his orders as Captain. And he is to observe and follow such orders and directions from time to time as he shall receive from the PRESIDENT OF THE UNITED STATES OF AMERICA, the Governor of the said State, or his superior Officer set over him, according to law. This **Commission** to continue in force during the pleasure of the Governor of the said State for the time being.

In Testimony Whereof, I have caused these Letters to be made Patent, and the great seal of the State to be hereunto affixed.

Given under my hand at Detroit, this twenty fourth day of April in the year of our Lord one thousand eight hundred and thirty eight and of the Independence of the United States of America the sixty second.

BY THE GOVERNOR.

Ransom H. Manning
Secretary of State

Stevens T. Mason.
Secretary of State

J. C. Schwarz
Asst Secretary

CAPTAIN'S COMMISSION FOR OREN MARSH, 1838

cade in Kent County and also upon lots in White Rock City in the county of Sanilac. The Commercial Bank of St. Joseph showed a measure of local patriotism by giving its security wholly upon St. Joseph real estate, twenty-eight lots bearing the burden of the greater portion of $60,650 of mortgage obligations. The Millers Bank of Washtenaw gave its mortgage security of $48,000 almost exclusively upon the village lots of an outlying addition to the village of Ann Arbor. Among the great mass of mortgages given, one finds documents that tell him of the villages of Livingston, Kensington, Gibraltar, Brest and Singapore and other places long since forgotten. In the far greater number of instances, however, the securities were upon the unimproved lands but recently purchased from the General Government and destined during the next few years in a large number of cases to be sold for the non-payment of the taxes assessed against them. With such frauds and evasions practiced in the creation and organization of certain of the banking associations, one would expect to find kindred rascalities in their subsequent operations. Such was in fact the case, the later examination of the banks disclosing that in many cases the taint which had marked their inception increased in virulence with their subsequent progress. Through fraudulent design, and incompetency that invited like results, the books of the banks were in many instances so kept as to give but the most imperfect and misleading information as to the particular transactions or the general condition of affairs. The reports of the Bank Commissioners disclose that in numerous instances there was a wilful purpose on the part of bank officials to understate the amount of bills which a bank

had actually put in circulation. It could have been said that it was almost a practice for banks, under the plea of facilitating exchange, to put their bills in the hands of individuals, frequently without any security therefor and in many instances without any record of the transaction upon the books of the bank. Speaking of the Bank of Manchester, one report says, "Previous to the last report of the condition of the bank, it appeared that the circulation was $34,000. It was, however, afterwards ascertained that there were in the hands of individuals, without security, bills of the bank to the amount of $73,334, making a total of bills out of $104,334." In the case of the Lenawee County Bank it was discovered that the $30,000 which had been originally paid in as capital stock was almost immediately after the organization refunded and the promissory note of one of the stockholders residing at Toledo taken for the amount. The books of this institution showed a circulation to the amount of $13,210, "but upon strict inquiry and investigation," says the report, "it was ascertained that the sum of six thousand two hundred dollars or thereabout, was in the hands of two individuals for exchange purposes, which was not entered upon the books of the bank among the issues and for which no charge of indebtedness was made to any individual nor security taken." Later when the books disclosed circulation to the amount of $22,642, outside investigation revealed actual circulation to the amount of $42,363, with specie on hand to the amount of $34.20. The Bank of Brest ultimately disclosed methods that have never yet been surpassed in the realm of financial chicanery. An examination of the bank at one time disclosed $9,754.92 in actual gold and silver in its safe, a

small book showing a memorandum to the effect that $7,497 of the amount had been paid in the day previous by Lewis Godard, one of the bank's principal promoters. A second examination ten days later showed that two days following the first examination, Godard had discounted his note at the bank for $7,500 and had been paid in the bills of the bank, that the bills had at once been passed to another individual who repassed them over the counter and had them redeemed in specie, the specie at that time being reduced to $138.89. Among the loans of this institution was one for $16,000, secured by two bonds executed by the same Lewis Godard, accompanied by a mortgage upon one hundred and eighteen village lots in the village of Brest. This mortgage was subsequently assigned by the bank to the Brest Company, for the reason, as stated in the resolution ordering the assignment, that the Brest Company had received no consideration from the bank for the same. While the general books of this concern showed circulation to the amount of $39,425, the little memorandum book showed other bills in Godard's hands to the amount of $19,816, and $25,000 more in the hands of one Lyman A. Spalding of Lockport, New York.

Numerous other instances alike in character and varying only in degree could be cited showing the utter abandon with which the "high financiers" of 1838 did their work. In speaking of another phase of the frauds practiced, Hon. Alpheus Felch has said, "The discounted paper of the bank was found in many instances to be deficient in amount. Some of it was of a character to excite grave suspicions as to its genuineness. It was largely given by the officers of the bank or by the indi-

viduals who had been active in the organization of it, and who controlled its action. The same individuals sometimes controlled several banks, some being directors in one and some in another of them, and their names appearing on the discounted paper to large amounts in all of them. Many of these individuals were entirely irresponsible and their paper worthless. In some instances discounted paper had been withdrawn with no substitute for it. In the frenzy of the times banks became a subject of repeated sale and transfer, and in same cases the retiring stockholders sometimes took to themselves the discounted paper of the bank, and the new proprietors furnished a substitute therefor. In one instance, on such a transfer, promissory notes to the amount of nearly $100,000 were withdrawn and new paper substituted, the former of which was subsequently declared by an investigating committee of the house of representatives 'to be good, and the latter worthless, if not forged.' "

Aside from the transactions of dubious character in which certain of the banking association were actively engaged, their locations were in many instances impeachments of the honesty of their purposes and intentions. Detroit with nearly ten thousand population out of a total of one hundred and seventy-five thousand in the State and, commercially speaking, constituting a far larger proportion of the State than even its population would indicate, had one banking association organized under the general banking law. It was the Detroit City Bank, born December 26, 1837, capitalized at $200,000, and although its officers and directors, as has been said, "were the best known and most influential of Detroit

citizens,'' it too began life under a cloud, for in its $60,000 of capital paid in there was $20,673 of the suspicious specie certificate. Of the remaining banks it is perhaps safe to say that fully two-thirds of the number were located in the villages of less than five hundred people each, while a number were located in places of too recent settlement and too limited population to find place in Blois' *Gazetteer* of 1838. That the village of Brest, on Stony Creek seven miles from Monroe, where broad avenues and shipping facilities had been marked upon an attractive plat by the ambitious Brest Company but where as yet not twenty families lived, should have been selected as the site of a bank of $100,000 capitalization, and that it could have prosecuted its organization without exciting the derision of press and people, goes further in disclosing the public temper and the general knowledge of the science of banks and banking than a volume of detail could do. But Brest with its bank, its malaria and mosquitos could boast all the metropolitan advantages of the village of Barry on Sandstone Creek in Jackson County, or of Singapore, the name which designated the place where the Kalamazoo River enters Lake Michigan, of Kensington located in the sylvan recesses of southwestern Oakland County, or of Shiawassee or whatever name was given to the forest location of the Exchange Bank in Shiawassee County when the whole county had a population of less than twelve hundred. Gibraltar, Sharon, Superior, Goodrich Mills, Palmyra and Auburn were widely scattered villages whose enterprising citizens organized banking associations and became partakers of the blessings that were supposed to flow from the free competition in their activities. In

the list might likewise well be included the cities of Grand Rapids, Saginaw and many another that long since cast off its village limitations, for in that time Grand Rapids had a population of less than one thousand while Saginaw could not yet number four hundred.

The nominal capital of the forty banking associations which perfected their organizations and went into operation totaled $3,115,000. Had the law been observed it would have required $934,500 in specie distributed in their respective vaults to be held for the redemption of their circulation. Many of the banking associations were under the control of honest men who purposed to conduct an honorable business. The general public had been likewise disposed to look with favor upon their early efforts, especially when the first few weeks of their operations had brought a perceptible although delusive measure of relief through the inflation of the currency which for a short time circulated on the basis of public confidence. But the frauds that characterized some of the associations were soon known and the public began to view the new currency with suspicion. The Legislature, responsive to public sentiment, began the consideration of various measures affecting particular banks as well as all banks in general. The banks themselves soon took notice of the rising tide of disapproval, and as those organized and conducted with the most honest purpose had discovered certain defects in the law as well as in the unfavorable general conditions under which they labored, a general meeting of the representatives of the banking associations was called, for the discussion of subjects of mutual interest as well as to promote unity of action. This gathering, generally

referred to at the time as "The Currency Meeting or Banking Convention," assembled at Detroit the 21st day of February, 1838, and continued in session until the evening of the 24th. Thirty-six or thirty-seven banking associations were represented, being practically the whole number in the State at the time. Although their deliberations and proceedings were in secret, they gave to the public the general results of their meeting in a series of resolutions, which were to the effect that they would co-operate with the chartered banks of the State in the early resumption of specie payment; their recommendation in that regard was that the time to be fixed should be within thirty days after the time fixed in neighboring States. They recommended that all banks, under the general law, contract their issue as speedily as possible, and declared their conviction that expansion was then both unsafe and inexpedient. They sought to perfect arrangements whereby the notes of all the associations represented should be bankable at some one of the banking institutions in the city of Detroit. They appointed a committee to investigate the actual situation of the various institutions under the general banking law and pledged their mutual aid and support to all such as should be found solvent. A delegate was selected to attend a national convention in New York in April. But perhaps their most important action was the adoption of a memorial to the Governor and Legislature, to the effect that the banking associations be allowed to become the purchasers of the whole or a portion of the bonds of the five million dollar loan, then being negotiated for the purposes of internal improvement, upon their furnishing satisfactory security there-

for, the purpose of the desired purchase being that the associations might thereby obtain eastern credit. This memorial, signed by the representatives of the various banking associations, was published in pamphlet form and given extended circulation, in the evident hope of creating sentiment in favor of the proposition as being in the interest of domestic institutions.

The press generally spoke in complimentary terms of the Convention and its work, the *Advertiser* saying editorially among other things, "In our judgment the designs of the meeting were highly honorable and patriotic, and so far from wishing to injure or discredit any banking institution in the State, it was their ardent desire to improve and sustain the whole currency." The *Free Press* observed that "The Convention was composed of some of the soundest and most intelligent business men of the State, and their proceedings were marked with a unanimity of sentiment in favor of making every practicable exertion to insure a safe currency to the people of this State which promises well for the future."

The Governor on February 27 transmitted the memorial to the Legislature with an accompanying message, wherein he took occasion to restate some of the advantages which he believed would accrue from a State bank, which he suggested "might by a judicious arrangement with the associations for the periodical redemption of their bills to be an effectual agent in restoring confidence in our currency." The main idea of the memorial however he adroitly but none the less positively opposed, saying, "I should object to a sale of State stock as asked by the memorialists, as calculated to affect the credit of the State and to depreciate the value of the

stock by bringing it into the market through too many different channels.'' Needless to say, no results came either from the action of the Convention or from the Governor's message other than to call attention to a question regarding which there was already rapidly growing feelings of doubt and distrust.

The Banking Commissioners were now energetically prosecuting their duties, and the revelations that were soon made through their efforts as well as through reports the banks were required to make in pursuance of a legislative resolution of February 2, 1838, were shaking confidence in every institution that bore the name of bank as it had not been shaken before, the weakest and the worst in a measure giving character to the whole. The suggestive terms of ''wild-cat,'' ''tom cat,'' ''mad cat,'' and ''red dog'' now began to be applied to the bills of the various banking institutions according to the financial solvency of the institution from which they emanated. Almost in a day the general public that for weeks had been parting with the dearly bought products of their fruit and toil awoke to a realization, that for it all, they held only the dubious promises of still more dubious institutions. An Ingham County pioneer sojourning at the time in Detroit, on March 15, recorded in his diary the following graphic recital of conditions: ''Since the Canadian question has received its quietus, by dispersing the 'Patriots,' nothing is talked of but the 'wild cat' banks, some of which are showing the stuff they are made of, and proving themselves rotten to the core. There is scarcely a single one of the whole number whose bills will be received at the stores for goods, while many a farmer has sold his produce and

some even their farms for the worthless trash. Most of the laborers and mechanics hold all their receipts and earnings for the last six months in these worthless rags which they cannot use. We hear almost daily of the arrest of presidents, directors and cashiers for fraud and injunctions placed upon the banks."

While the above may in some particulars be overdrawn, the banks had nevertheless reached a condition such that the Legislature on April 3 passed and two days later the Governor approved a law suspending the general banking law for a period of one year as to such associations as had not gone into operation or complied with certain requirements which the law specified. Many a man who had invested his honest savings in banks operated by clever rogues now sought to divest himself of his holdings and to pass his loss to another. Banks became as has been already said, "the objects of frequent sale." The names of certain gentlemen of Detroit later appeared frequently in the reports in connection with certain financial activities of this character in a relation anything but honorable. The bills were at a great discount as compared with the issues of eastern banks or with even the chartered banks of the State, while there was likewise a wide diversity in the rate of discount as between the different associations. Brokers in Detroit and a few other places did a thriving business in exchanging the various kinds of money. No one took it without a purpose to pass it on for either property or other bills of supposed greater value. In the language of Judge Thomas M. Cooley, "No circulating medium ever before circulated so rapidly." Some times the bills were taken to the distant places in neighboring States where their

ill-fame had not preceded them and used as the consideration for whatever the people were willing to part with. Sometimes the holder hurried to the bank of issue to obtain redemption in whatever they had to offer. In Jackson County a story became current of a man who became possessed of a considerable sum in the bills of the bank of Sandstone. After his return from the primitive village of Barry, where the bank was located and whither he had gone for the redemption of his currency he was said to have replied to the inquiry as to what he received for his money, that for each ten-dollar bill he received a millstone; for each five dollar bill a grindstone and for each two-dollar bill a whetstone. Through the succeeding months the Commissioners applied themselves to the work of enforcing compliance to the law, to the discovery, exposure and prosecution of those guilty of frauds, to enjoining the corrupt and insolvent from the commission of further mischief, and to securing by bonds and mortgages as far as possible the liabilities of the various associations. It was during these investigations that the public suspicions were confirmed and the thorough rottenness of many an institution was disclosed.

The summer of 1838 was one of abundant harvest, but the deranged condition of the finances had greatly reduced the price of the farmers' products when measured in specie and there began to be real distress throughout the State. Several county conventions were now called in the more populous counties of the State, at which after more or less deliberation resolutions were adopted and committees appointed as initiatory efforts for relief. The action of the Lenawee County

Convention was fairly typical of the others and here they appointed a committee to await upon the Governor and request him to call an extra session of the Legislature to expedite the incorporation of a State bank, and to divert the moneys appropriated for internal improvements, or if this could not be done to obtain authority for a three million dollar issue of State scrip to be sold in some foreign market and the proceeds loaned to the citizens of the State. Numerous petitions were circulated in various parts of the State and forwarded to the Governor asking for similar action. To these appeals the Governor made answer through the means afforded by the public press, arguing the impracticability of the measures suggested as calculated to afford any immediate relief, and proceeded at length to point out how the sale of State scrip and the loan of the proceeds to the citizens of the State "would be the most hazardous measure to the interests of the State we could possibly adopt." He likewise called attention to what was a plain but perhaps not altogether welcome truth, by saying, "The debts we have contracted can only be liquidated by the slow process of productive labor. All expedients for creating additional banks, for shifting the debts of particular individuals from their shoulders to those of the State, which is the aggregate body of the people, will leave our debt still unpaid. The hard earnings, and industry of the people are the only sources to which we can look with the hope of a certain and permanently beneficial result."[1]

The Bank Commissioners were now Kintzing Pritchette, Alpheus Felch, and Digby V. Bell, the last named

[1]Niles *Intelligencer*, Aug., 1838.

gentleman having been appointed by the Governor upon the resignation of Commissioner Fitzgerald who had been nominated and was subsequently elected a member of the Legislature. For the more systematic discharge of their labors, the Commissioners had subdivided the State into three divisions; the first judicial circuit being given to Mr. Pritchette, the second to Mr. Felch, and the third to Mr. Bell. On January 18, 1839, shortly after the convening of the Legislature the Commissioners submitted to that body extended reports on the condition of the banks in their respective districts as well as a general report, the latter document in thought and composition reflecting the finished style of Kintzing Pritchette. In the retrospect in which this report indulged, a summary of the situation is presented that cannot well be improved upon. Says the report:

"The feature of the Act which authorized banking under the suspension law, that is to say, giving the sanction of the law to the issue of promises to pay, not liable to redemption in gold and silver on demand, gave an irresistible impulse to their career, by opening the door for the debtor to liquidate his liabilities by transferring to the public at large his indebtedness to individuals. The result is well known, and it is believed, that it is not too strong language to assert, that no species of fraud, and *evasion* of law, which the ingenuity of dishonest corporations has ever devised, have not been practiced under this Act.

"The loan of specie from established corporations became an ordinary traffic, and the same money set in motion a number of institutions. Specie certificates, verified by oath, were everywhere exhibited, although these

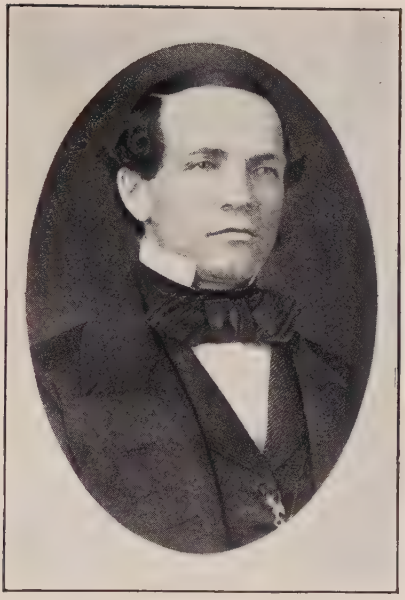
very certificates had been cancelled at the moment of their creation, by a draft for a similar amount, and yet such subterfuges were pertinaciously insisted upon, as fair business transactions sanctioned by custom and precedent. Stock notes were given for subscriptions to stock and counted as specie, and thus not a cent of real capital actually existed, beyond the small sums paid in by the upright and suspecting farmer and mechanic, whose little savings and honest name were necessary to give confidence and credit. The notes of institutions thus constituted, were spread abroad upon the community, in every manner, and through every possible channel; property, produce, stock, farming implements and every thing which the people of the country were tempted by advanced prices to dispose of, were purchased and paid for in paper, which was known by the utterers to be absolutely valueless. Large amounts of notes were hypothecated for small advances, or loans of specie, to save appearances. Quantities of paper were drawn out by exchange checks, that is to say, checked out of the bank by individuals who had not a cent in the bank, with no security, beyond the verbal understanding, that the notes of other banks should be returned at some future time. Such are a few, among the numberless frauds, which were in hourly commission. Thus a law which was established upon principles well digested and approved, and hedged around with so much care, and guarded with so many provisions, that few it was supposed, would venture to bank under it, became by base dishonesty and gross cupidity of a few, who had the control of the specie of the country, nothing less than a machine of fraud.

"The singular spectacle was presented by the officers of the State, seeking for banks in situations the most inaccessible and remote from trade, and finding at every step, an increase of labor by the discovery of new and unknown organizations. Before they could be arrested the mischief was done; large issues were in circulation and no adequate remedy for the evil. Gold and silver flew about the country with the celerity of magic; its sound was heard in the depth of the forest, yet, like the wind, one knew not whence it came nor whither it was going. Such were a few of the difficulties against which the Commissioners had to contend. The vigilance of a regiment of them would have been scarcely adequate against the host of bank emissaries, which scoured the country to anticipate their coming, and the indefatigable spies which hung upon their path, to which may be added perjuries, familiar as dicer's oaths, to baffle investigation. Painful and disgusting as the picture appears, it is neither colored nor overcharged, and falls far short of the reality. The result of the experiment of free banking in Michigan, is, that at a low estimate, nearly a million of dollars of the notes of insolvent banks are due and unavailable in the hands of individuals."

To the argument that the banks had furnished the means of liquidating a large amount of debt, the report answered: "This may be true, but whose debts have they liquidated? Those of the crafty and the speculative, and by whom? Let every poor man, from his little clearing and log hut in the woods, make the emphatic response, by holding up to view, as the rewards of his labor, a handful of promises to pay, which for his purposes are as valueless as a handful of dry leaves at his

feet." The report proceeds to depict a state of public mind, that goes far towards explaining the tolerance with which the institutions were enabled to prosecute their nefarious doings, when it says, "When we reflect, too, that the laws are ineffective in punishing the successful swindler, and that the moral tone of society seems so far sunk as to surround and protect the dishonest and fraudulent with countenance and support, it imperatively demands that some legislative actions should be had to enable the prompt and vigorous enforcement of the laws, and the making severe examples of the guilty, no matter how protected or countenanced." The report pointed out many other evils that attended the general banking law, and spoke in just words of praise of certain institutions, "which had sustained themselves with honor and credit amid so many temptations and examples of fraud;" it unanimously recommended the repeal of the general banking law, and with like unanimity joined with the Governor in the recommendation of the incorporation of a State bank, under the control of the State itself, which they urged should be subject at all times to the most rigid scrutiny, and to the strictest guard against the tendency of banks to lend too much and put too many notes in circulation, which they declared to be "the fruitful source of so much evil."

Some authors, biased by partisan fervor, have sought to take sentences from the Governor's message to the Lgislature of 1839, and use them as proof that he had stood sponsor for a system that had brought the State to the verge of bankruptcy and ruin. The message bears no such construction. In it the Governor said, "No State perhaps, has suffered more from the evils of a deranged



CHARLES E. STUART

Kalamazoo lawyer and politician. Member of the State Legislature in 1842, later in Congress, and holder of many public offices of trust.

JAMES M. EDMUNDS
Member of the State Legislature, 1840-41, 1846-7.

GOV. STEVENS T MASON
From oil painting in State Capitol.

currency than our own. A most serious and responsible portion of your legislative labors, therefore, consists in supplying an effectual remedy against the disastrous scenes of the past year. Let your attention be diligently directed to this object, for experience has shown that neither a regard for the rights of the people, a sense of moral obligation, nor a respect for the injunctions of the laws of the land are sufficient to restrain banks in the abuse of public trust." And again he says, "It may be a question worthy of serious consideration whether the high power of stamping paper as a substitute for the currency recognized by the Federal Constitution should ever have been conferred upon a private corporation." The Governor's recommendations in the message of 1839 as in the message of 1838 was for a State bank modeled on the plan of the State bank of Indiana, which, as already stated, during its whole career was an efficient agent for the purposes of its organization. A bill to incorporate such an institution, to be known as the State Bank of Michigan, was introduced in the House at this session by Mr. Fitzgerald, late banking commissioner, and after long discussion passed that body by a vote of 40 to 6 and the Senate by a vote of 10 to 2. It received the approval of the Governor on the 2nd day of April. The Act provided for a bank of two million dollars capital with nine branches, which by a supplemental Act were to be located at Detroit, Monroe, Adrian, Ann Arbor, Niles, Jackson, Pontiac, Mt. Clemens and Marshall. One-half of the capital was to be subscribed by the State and one-half by individuals. The bill was carefully drawn and hedged about by every provision which the experience of Michigan and neigh-

boring States could suggest. The affairs of the central bank were placed under control of a Board of Directors chosen by the Legislature. The selection of this Board precipitated a spirited contest, resulting in the choice of John S. Barry, John Biddle, Charles Noble, Robert H. Stuart, G. W. Jermain, B. F. H. Witherell, Zina Pitcher and Edward Mundy. Governor Mason and many others had high expectations of the success that was to follow the work of this institution[2] and indeed the care with which the Act was prepared and the high character of the men selected to conduct its affairs were a strong guarantee for it; but it was destined never to go into operation. The Act contained a provision to the effect that if the capital stock was not subscribed and the bank organized by February 1, 1840, the Act should be null and void. A strenuous effort was made to organize the institution, but the financial gloom that had settled upon the people and the succeeding change in political control of the State made the securing of the requisite capital an impossibility, and the only banking project for which the Governor stood committed failed of realization.

Great as was the need, the people seemed to have little courage to work out new banking experiments. The Legislature passed and the Governor approved an Act repealing the so-called general banking law and imposing serious penalties upon the perpetration of certain frauds in connection with the banking business; but the havoc was already wrought. Even as the Legislature acted, the report of the Attorney General showed twenty-nine banks under injunction, and by the close of the year

[2] *House Doc.*, No. 29, 1839.

the number had reached forty-two. A few associations that had prudently abstained from an over-issue of bills and discounted only good paper wound up their affairs and paid their obligations in full; but the great mass of the bills was a loss to the holders. The last hope of the billholders vanished when the Supreme Court of the State in 1844 declared the general banking law to be unconstitutional. It was a somewhat curious coincidence that Charles W. Whipple who was speaker of the House of Representatives when the law was enacted should later have been the judge to deliver the opinion declaring the law unconstitutional and that Hon. Alpheus Felch, late Banking Commissioner, should have been one of the judges to concur in the decision, and that the attorney to present the question before the court should have been Mr. Theodore Romeyn, a Detroit lawyer of exceptional ability, but a man nevertheless whose name had been connected in no enviable relation as stockholder, director and general promoter of some of the wildest of the "wild cat" banks of Michigan.

In the decision of the case, Judge Whipple took occasion to say, "It is to be lamented that the grave question we are now called upon to decide, was not presented to this court at an earlier period, and immediately after the passage of the obnoxious Act. Our decision would have stayed the torrent which has swept over the State with effects so desolating and preserved individual and State credit from the stigma and reproach which befell both."

By the decision, the unconscionable promoter escaped liability, and it was this consideration which caused the

Judge to add, "I regret that the question has now been forced upon our notice, satisfied as I am, that the public interest under existing circumstances would be best promoted by sustaining the law."[3]

[3] *Green vs. Graves*, 1 Doug, Mich. 372, see also, *Brooks vs. Hill*, 1 Mich., 118; *Comstock vs. Draper*, 1 Mich., 481; *State vs. Howe*, 1 Mich., 512; 2 Mich., 287 and 16 Mich., 254-258.

CHAPTER XIX

Internal Improvements

THE coming of the spring days of 1837 found the commissioners of the Board of Internal Improvement in active preparation for the prosecution of the great work entrusted to their care. On the first day of May following their nomination and election, they proceeded to organize by appointing Justus Burdick president, John M. Barbour auditor, Kintzing Pritchette secretary, and David C. McKinstry, Levi S. Humphrey and James B. Hunt as acting commissioners. The chartered rights of the Detroit and St. Joseph Railroad Company and all its equipment was at once purchased and taken over by the Commissioners on behalf of the State, while they at the same time busied themselves in the purchase of instruments, the hiring of engineers and the multifarious details incident to the survey of three railroads, as many canals, and likewise as many river improvement projects. The greater portion of the work was to be prosecuted in regions where it was necessary to transport with difficulty even the simplest and most commonplace essentials of the work as well as the means of sustenance for both men and beasts, when they were not supplied by meadows and forests.

The various projects were parceled among the three acting commissioners, Levi S. Humphrey taking the survey of the Southern Railroad, the Havre Branch Railroad and the St. Joseph River; David C. McKinstry was

given the construction of the Central road from Detroit to Ypsilanti, being the work under process of construction by the Detroit and St. Joseph Company, the survey of the remainder of the Central route and of the Kalamazoo and Grand Rivers; while James B. Hunt was assigned the survey of the canal or canal and railroad from Mt. Clemens to the mouth of the Kalamazoo River, the Northern Railroad, and the canal connecting the navigable waters of the Saginaw and Maple Rivers. Governor Mason, under authority conferred, appointed John Almy of Grand Rapids, a trained and capable engineer, to make a survey together with estimates of the cost of construction of a canal around the Fall of the St. Marys.

Chief engineers were appointed for each of the major enterprises, and in early June each with a company of subordinates and assistants with trailing pack horses bearing provisions and equipment could have been seen wending their diverging ways from Detroit to the State's interior where they were to blaze the way for the railways and canals that were expected as if by magic to transform the forests into gardens and fruitful fields.

Through the summer, autumn and even into the early winter the surveying parties pushed on their work with occasional visits from the Commissioners who when not upon their assigned work were in attendance upon monthly meetings or engaged in the discharge of the numerous details such projects involved. On the Central road the work of actual construction which had been begun by the Detroit and St. Joseph Company was taken up and pushed forward with an energy that promised the

speedy opening of traffic between the cities of Detroit and Ypsilanti.

On January 23, 1838, the Board of Commissioners of Internal Improvement made its first report to the Legislature. It is an exceedingly interesting document, containing as it does the reports of the several engineers on the various works committed to them. Not a few have commented on the State's projects of internal improvement in terms of ridicule; but the report discloses that to men of scientific and technical training they appeal with as much persuasion as to the settler in the remote clearing or isolated village who was shut off from markets and the centers of population by long miles of well-nigh impassable roads. It has been said with truth that the enterprises were far in advance of the economic needs of the State and that their magnitude was greatly underestimated; but it should be borne in mind that the projects were designed as much to promote State growth and development as to serve the purposes of the people already here. It is likewise true that the cost of the various works from lack of experience and reliable data in such constructions was much underestimated, still it should be remembered that the estimates were made upon the primitive plans of the pioneer and not upon the ones now required to meet the demands of a vast and ponderous traffic. Nor with a policy of State-wide internal improvement determined upon was it strange, as we shall see, that canals and river improvements also found favor among the projects proposed.

Of the works surveyed and projected, the railways perhaps deserve first mention. The Northern road seems to

have been located with little trouble, possibly because there were very few people along its proposed route to raise contention. The Legislature had enacted that the eastern terminus should be either Palmer (St. Clair) or the mouth of Black River (Port Huron). Palmer citizens made a very active campaign for the location, but the Commissioners ultimately fixed upon the more northern point, for the reason that it afforded better harbor facilities and was for the better accommodation of the northern tier of counties; another consideration and perhaps the most important one was, that by locating at the mouth of Black River, the eastern terminus of the road would be brought in opposition to the western terminus of the road from Lake Ontario to Port Sarnia, which was then being agitated in Canada and indeed was located from Hamilton to London. The engineers' report fully set forth the force of this consideration, and shows how little they foresaw that the great city of the West which like a magnet was to draw the course of commerce to itself was to be at the southern extreme of Lake Michigan. Says the report: "It appears obvious that the road is to be constructed, not only for the accommodation of the inhabitants in the immediate vicinity of the route and adjacent district, but also as an essential link in the great chain of railroads finished or in progress, from New York and Boston to the valley of the Mississippi and the far West. It is in fact almost a direct line to pass from Albany on the great thoroughfare through the principal cities of western New York, thence through Canada by the Great Western Railroad to the St. Clair River; and thence through the geographical center of Michigan by the Northern Railroad to Lake

Michigan; thence to Milwaukee and Cassville in the center of the mining district on the Mississippi.'' The engineers offered further argument in support of the project by saying, ''The road when constructed will receive a very large share of the constantly increasing travel through this State east and west.''

From the mouth of Black River the road was located to the west in the language of the report, ''passing through, or as near as the interest of the State would permit, to the villages of Lapeer, Flint, Owosso or Corunna, or to both places; thence to the mouth of the Maple and keeping on the south side of Grand River, to the village of Grand Rapids.'' ''Here, says the report, ''good navigation for steamboats to the mouth of the river commences and no necessity at present exists for making a railroad by the side of a navigable river.''

The survey and estimate, however, was made to Grand Haven, at the mouth of the river. The distance was found to be 201 miles and 36 chains, and the cost of construction was estimated at $1,409,015.75, or $6,994.36 per mile, of which $3,973 per mile was estimated for the wooden superstructure or strap-rail construction into which the iron-rail plate at $85 per ton went as the most expensive single item. These estimates were for a single track road without station houses or equipment. The engineers stated as their emphatic belief that the estimates ''were amply sufficient with proper economy to construct the work on the plans proposed,'' and they were equally confident that by the use of a certain block construction, hereinafter described in the construction of the Central road, the cost could be still further materially reduced.

In locating the route of the Southern road, the Board of Commissioners was beset with difficulties and confronted with rivalries that had been entirely absent at the north. No less than four different lines were run through the southern tier of counties at the instance either of the Commissioners or in response to petitions from rival localities. The villages of Tecumseh, Jonesville and Niles were especially insistent for themselves if not in opposition to more southern points. After listening to many arguments at numerous hearings, the Commissioners approved a route, the eastern terminus of which in the language of the report, "commenced on the navigable waters of the River Raisin, and running through the city of Monroe to the limits of said town." It then proceeded westward passing through the villages of Adrian, Hillsdale, Coldwater, Mason, Branch, Centerville, Constantine, Motville, Adamsville, Edwardsburg, Bertrand and terminated at New Buffalo. Several of these villages which have long since ceased to exist were then thriving places of industry whose ambitious citizens looked forward to the time when wealth would come to them and added numbers to their villages with the advent of the railroad. The line as projected was 183 miles in length and its estimated cost was $1,496,376.39. The same survey embraced the Havre Branch Railroad, a piece of road 12.9 miles in length designed to connect the Erie and Kalamazoo Railroad with the ephemeral "city" of Havre, a point upon Lake Erie a short distance north of the Ohio line. The estimated cost of this project, which was designed to create another Toledo upon soil that was unquestionably in Michigan, was but the modest sum of $82,043. There is a certain

humor in the frank statement of the Commissioners as to what they considered the most cogent argument in favor of the location of the road as near the State line as possible. Says the report: "One of the principal arguments in favor of the Southern road at the time of the adoption of our present system of internal improvements by the Legislature was, that unless our State was first in the field, the States of Ohio and Indiana would probably construct a road from Toledo to Michigan City along the southern boundary of our State and divert the traveling community from our thoroughfare; thus not only completely isolating us, but compelling a large portion of our citizens to find a market for their produce in those States." The report adds, "The Commissioners consider the argument a forcible one in favor of the most southern location as well as of the Southern road itself."

As already stated, the greater energy had been expended upon the Central road, undoubtedly because at the time the work was undertaken by the State the line was already in progress under the Detroit and St. Joseph Company. At the time of the sale by the company to the State, the company had a right of way one hundred feet in width cleared through the forest as far as Ypsilanti, and from Detroit westward approximately thirteen miles of roadbed graded after the fashion of the railroads of that period. At the date of the report the Commissioners had so far completed their work that a depot had been established on the Campus Martius; cars were running regularly to Dearborn with a promise from the authorities that in early February traffic would be opened to Ypsilanti. While work was in progress upon the line from Detroit to Ypsilanti, surveyors were

also at work from the latter town westward. The line which they marked and estimated was practically the route upon which the Central road was later constructed, except that from Kalamazoo the line was projected direct to the mouth of the St. Joseph. The length of the road from Honey Creek, a point near Ypsilanti, to the mouth of the St. Joseph was found to be 153 miles. The first thirty miles of the road from Detroit to Ypsilanti showed a cost of $298,506.23. The remainder it was estimated would entail a cost of $1,381,040.90, a sum that did not seem unreasonable in view of the cost of the completed portion.

As the line between Detroit and Ypsilanti was for much of the way over lands of a damp and springy nature, the engineers had recourse to a somewhat novel plan of construction, which was likewise recommended for use upon both the Northern and Southern roads as the "block system." The system would hardly be adapted to the uses of the modern railroad over which are transported fast freight and limited express; but it was considered an engineering achievement of exceptional merit in that day, being used not only upon the Central but upon some of the roads of western New York as well. The mode adopted as described in the report of the engineer was as follows:

"Holes were dug to the solid ground, at distances of eight feet from center to center lengthwise, and five feet from center to center crosswise of the road; these holes were from six inches to two feet deep, between which distances is found, with few exceptions either sand, clay or gravel. Blocks sawed with parallel ends at right angles to their length not less than two feet in diameter,

and cut in lengths to suit the grade, are set endwise in the pits, and well settled in their places by ramming, the tops being from eight to ten inches below the grade line. Timbers of sixteen, twenty-four, thirty-two and forty feet in length, dressed upon one side to line, and of such size as to square not less than twelve inches are then spotted on to the blocks in such a manner as to rest fairly and equally upon them, and having their dressed surfaces correspond exactly with the established grade. These timbers when placed present two parallel strings, five feet apart from center to center throughout the entire length, and with the blocks form the foundation of the road. Such portions of the embankment as can be made from the side of the road, may now be done, although it is not advisable to cover the stringers until the ties and rails are laid. In cuts the blocks are dispensed with, and timbers hewed on two sides, or sawed timbers from the mills, are bedded in parallel trenches. In two places where hard bottom could not be found short of from five or six feet, piles have been substituted for blocks; and also in one instance where the roadway is elevated from twelve to fourteen feet; these places will be embanked.

"The stringers and sills being laid, cross-ties framed in the usual way are placed three feet apart from center to center, and spiked to the sills at each end with a six-inch wrought spike. White oak rails, five by seven inches, are placed and firmly wedged in the gains of the cross-ties. This being done, the upper surface of the rail is dressed to a line in exact parallelism with the established grade, and about three-fourths of an inch champered off the inside.

"The timbers are now ready for the iron bars, which are fastened with 4½ inch pressed spikes; connecting plates one-fourth of an inch thick, six inches long and of the width of the bar are used under the joints. The iron bars used are 2¼ x ½ inch, fifteen feet long.

"The structure being completed in this way, the embankments are finished and carried up within three inches of the irons and having a width of fifteen feet at top and slopes of 1½ base, to one in height. The width of the track is four feet 8½ inches measured between the inner edges of the irons.

"Upon the graded road, and through cuts, sills sawed 5 x 12 inches or if dressed out along the line, not less than 6 x 10, and of any convenient length have been bedded in two parallel trenches with connecting planks 2 x 12 and not less than three feet long under the ends. The ties, rails and irons are then placed and secured to the sills and the grading completed as above.

"Either of the plans above described are believed to be as permanent as a timber road can be made and both of them possess more than ordinary strength. The block road is sufficiently firm to travel on at a moderate rate without grading, and when graded the settling of the earth around the timbers will not only add very materially to the strength of the road but effectually prevents any tendency to derangement from the rapid passage of heavy trains."

Such was the construction of the old "strap rail" road, of short life and unpleasant memory. It has been usual to say that the railroads projected by the State could not have been constructed for five times the five million dollars appropriated by the ambitious Legislature; yet

in actual demonstration, as has been said, the thirty miles of road between Detroit and Ypsilanti including depots and equipment sufficient for the pioneer demand was at a cost of less than ten thousand dollars per mile; showing that, when we consider the abundance of timber and the topography of the country, the estimates of the engineers on both the Northern and Southern and remaining portion of the Central were not so inadequate as we have been led to believe, but woefully inadequate if we apply them to the roads which a few years' development showed were required to meet the demands of inland transportation.

To many people of a later day the spectacle of a commonwealth building railroads where as yet few if any people lived and where likewise commercial demands had not arisen therefor, has been taken as something of an anomaly; but still more anomalous has it seemed, that just as the country was beginning to appreciate the possibilities of railway transportation they should have made substantial appropriations for the digging of canals and for making navigable the tortuous channels of the Kalamazoo, the St. Joseph and the Grand Rivers. These projects have been made the subject of much ridicule by some who have given them written attention; but when we consider them in connection with the experiences of the people, they become projects that are neither strange nor unreasonable, much less ridiculous; the Erie Canal with its 352 miles of length and 568 feet rise from Albany to Buffalo had cost $7,600,000, and its practical benefits had been brought under the personal observation of more than one-half the people of Michigan. Ohio was at this time vigorously prosecuting work upon

the Ohio and Erie and the Miami and Erie that in the course of their construction were to absorb $13,000,000 from the State and $3,000,000 more in the form of lands donated by the General Government. The Ohio canals likewise involved engineering difficulties in comparison to which the Michigan projects were exceedingly simple. Not only did the people have before them the extensive work upon canal construction in neighboring States, but the engineer assigned to the work upon the Clinton and Kalamazoo Canal project had warmly recommended it for favorable consideration, his report not only giving in detail the facts which showed the practicability of the project but adding his personal indorsement to it as a matter of State policy. "In relation," says his report, "to the importance and utility of a canal in point of interest and solid wealth, there can be no doubt, as reference alone will satisfy the most skeptical. My own views are that the State can not embark upon a work so safely calculated to promote so generally the great and growing interest of the State as that of constructing an independent canal across the peninsula from the eastern to the western navigable waters." There is little doubt that the Board of Commissioners expressed the prevailing opinion among the people when at a meeting of that body on the 12th of February it entered in the minutes of its proceedings a resolution which among other things declared, "At this day there is no doubt in the public mind as to the superior advantage of canals over that of railroads to a country."

The main canal, known generally as the Clinton Canal, because of its commencement at Mt. Clemens upon the Clinton River, through which it was designed to dis-

A Close View of the Statue of Stevens Thomson Mason, Detroit.

STATUE OF GOVERNOR MASON, CAPITOL SQUARE PARK, DETROIT
Albert Weinert, Sculptor. 1908

TOMB OF GOV. STEVENS T. MASON, MARBLE CEMETERY, NEW YORK CITY

charge its commerce into Lake St. Clair, was planned to intersect the Kalamazoo River at Allegan and have a total length of two hundred and sixteen miles and seventy-eight chains. It is interesting to note that by the survey, the summit level of this proposed canal was found to be a quarter of a mile west of the city of Pontiac, and within thirty miles of Lake St. Clair. From here a level of a little more than forty-two miles to the westward was secured that was 344.61 feet above the surface of the waters of Lake St. Clair, and 336.11 above the waters of Lake Michigan, requiring a lockage of 349.61 feet on the eastern, and 341.11 on the western declivity. The estimates showed 27,313 cubic feet of water per minute required to supply the canal, with more than 98,846 cubic feet per minute available; while upon the summit level, 8,915 cubic feet per minute was available, to supply a demand of 4,833 cubic feet per minute. Later a survey was made from a point on the original line two miles west of Howell down the valley of the Cedar and Lookingglass Rivers to the Grand at Lyons, a route that was thought to offer greater advantages both as to cost of construction and extent of country to be served. Both surveys were made upon the basis of a canal 32.5 feet width of bottom, fifty feet at top water line, with five feet depth. Such a canal it was estimated could be constructed at from sixteen to eighteen thousand dollars per mile.

The Northern or Saginaw Canal by which it was proposed to connect the waters of the Maple with those of Bad River and thus make connection with the waters of the Grand and Saginaw Rivers, while a far less ambitious scheme than the Clinton and Kalamazoo, yet because

of its seeming practicability was looked upon with much favor at that time and has continued a subject of some interest to the present time. The project contemplated the improvement of nearly seven miles of the channel of Bad River at an estimated cost of $57,829.38, and a connecting canal 13 and 65/100 miles long through the intervening ridge. This canal was designed to have a water-line width of forty-five feet with a depth of four feet, to cross the divide with seven locks, and to be constructed at a cost of $121,830.24. A more extensive improvement was suggested, at an increase of some thirty thousand dollars in cost.

The report upon the St. Mary's Canal, which Governor Mason had likewise caused to be surveyed, disclosed favorable conditions. Engineer Alma reported a difference in elevation to be overcome of 18 feet for which he recommended a canal 4,560 feet in length, the same to have a width of seventy-five feet at the surface, a bottom width of fifty feet, with a depth of ten feet in the rock cuts. Three locks were provided, with dimensions of one hundred feet in the clear for length and thirty-two feet for width, with average lifts of six feet each. Such locks the engineer asserts "will accommodate the largest class of sail vessels now used on any of our lakes." This work it was the confident assertion of the engineer could be executed for $112,544.80; the only item of the estimate upon which he expressed doubt being the cost of labor at a point so far removed from the centers of population.

The third field of effort for works of internal improvement was to be in the improvement of some of the rivers of the State, that they might serve the purposes of commerce for light crafts. This was to be done by removing

drift wood and sand bars, by the construction at certain points of side cuts for the passage of rapids and at other places by a series of dams with locks to provide for what was known as "slack-water navigation." These projects were likewise but the evolution of more primitive attempts to make these natural highways of use to the people. The early settler penetrated to the interior of the State, especially upon the western shore, by either the Grand, the St. Joseph or the Kalamazoo Rivers. These rivers from the first had served as important avenues of commerce. As early as 1831 there had been steam navigation to the mouth of the St. Joseph. It became regular after 1834, at which time keel-boats, "arks" and flat-boats began the navigation of the river; the Antelope, the Constantine and the St. Joseph, crafts of from 35 to 40 tons, being among the first. In the year mentioned the Constantine brought down the first cargo of wheat from Three Rivers. From here likewise came the "Kitty Kidango" and the "Three Rivers" a year or two later. These boats came down with the current and were either sold upon arriving at the river mouth or worked back by slow and painful process. Flat-boats capable of carrying as much as twenty barrels of flour were sometimes floated down, and after the discharge of their cargoes were drawn back by wagons. The steamer Newburyport reached Berrien Springs as early as 1832. Next came the Matilda Barney, a stern-wheeler, followed in 1834 by the David Crockett, a vessel of like construction drawing about three feet of water, which was wrecked upon a rock seven miles above Berrien Springs a year later. This boat was followed by the Patronage in 1836 or 1837 and by the Pochahontas in 1838. The

Kalamazoo was likewise serving as a burden bearer, while upon the Grand at this time, through a canal or side cut around the rapids constructed as a private enterprise by the Kent company, steam crafts were bringing to the river mouth cargoes from as far inland as Lyons.

Nothing could have been more natural than that the Legislature should have included these rivers within the scheme of internal improvement as projects likely to return large benefits for correspondingly small expenditures.

The St. Joseph, which from Lake Michigan to Union City was found to have a length of one hundred and sixty miles, was found likewise to have all but forty-three miles of its length within the State of Michigan. The engineers' report upon this project comprehended some excavations, side cuts, the removal of drift wood and the construction of a series of 42 dams varying from two and one-half to five feet in height. By these improvements it was estimated that five feet of water could be secured from St. Joseph to Three Rivers and three feet from Three Rivers to Union City. This work it was estimated could be done for $183,433.60 for that portion of the river within the State of Michigan, and $93,134.60 for that portion of the river within the State of Indiana. With the details of this improvement the engineer submitted estimates for a canal four feet in depth and twenty-eight feet bottom from Union City to Homer, a distance of twenty miles, with a lockage of ninety-eight feet, to be constructed at a cost of $144,008.56; while a reconnoissance was made as far east as Dexter. The Kalamazoo was to be likewise improved, by a series of twenty-one dams having an aggregate height of seventy-

five feet between Allegan and Kalamazoo, at a total cost of $125,924, and the Grand was to be given a full four-foot channel to the mouth of the Maple for $67,309.90; $43,751.40 being the estimated cost of passing the "grand rapids" at the village of that name.

One of the secondary inducements held out in support of the improvements upon the St. Joseph and the Kalamazoo was the vast amount of water-power that would come thereby into the possession of the State, and which the engineers confidently asserted would exceed in value the cost of the entire improvements upon those rivers.

The total or gross estimates of all the prospects upon which surveys were made showed a prospective cost of approximately nine million dollars, a little more than one-half being for the three lines of railway, a sum that was unquestionably much less than would have been required for the ultimate completion of all the enterprises, even upon the meager scale upon which they were projected.

The scheme of internal improvements was fast disclosing the inherent weaknesses that required only time to develop. It had started with the Governor recommending that the State become interested as a stockholder in certain of the leading enterprises that might be organized for the facilitating of transportation within the State to the end that the State might both encourage their construction and more effectually exert a controlling influence upon them; but it ended by the State becoming the sole proprietor, and prosecuting projects for which there was no present economic need in order to allay objection and secure support for other projects for which there might be said to be present economic

necessity. As there had been contests between sections that each and all might partake of the benefits from improvements that were to be constructed at the expense of all, so now there began to be contests between localities of the same section for the location of the particular improvement that was no longer divisible. No sooner did the Board of Commissioners announce its determination as to the location of a given improvement than a flood of remonstrances and petitions from disappointed citizens of other localities were sent to the Board, the Governor and the Legislature. The legislative session of 1838 had but just begun when petitions from citizens of the southwestern counties began to be presented, praying not only for a change in the location of the Southern road but for a legislative investigation of the action of the commissioners in the location they had made. Their petitions brought heavy remonstrances from Monroe and other localities. Resolutions by narrow votes passed the Legislature requiring the suspension of work upon the Southern road for thirty days, and of the letting of any contracts upon the Havre Branch until after the sixteenth of the following April; while like resolutions suspending work upon the Northern road failed of passage by only a narrow margin. In the meantime, the work upon the Central was pushed with unabated vigor. To be ready for the inauguration of traffic, the Commissioners had before the close of navigation purchased and brought on from Messrs. Eaton and Gilbert of Troy, New York, two passenger coaches which were not unlike the old stage coaches in outward appearance except they were somewhat larger, being designed to carry twenty-four passengers each. They were transferred to the State's

railway yard near the Capitol and the public awaited the days when they might enjoy the luxury of travel they seemed to promise. Imagine the indignation and disappointment of the people of Detroit when a little later the Sheriff of Monroe armed with a writ of replevin appeared upon the scene and took the cars into his possession in a suit brought by the agent of the River Raisin and Lake Erie Railroad Company who made claim that they had been first purchased by that company and privately marked by it before the sale to the State. We may well imagine that there was more chagrin over the fact of the loss of the cars by Detroit to Monroe than over any inconveniences their removal occasioned. Whatever the result of the legal proceeding was, the cars were lost for the opening of the road; but undaunted, the authorities soon had John G. Hays, a local craftsman at work upon a new car which was soon completed, as a number of car wheels and other essentials for car-building had been purchased of the Detroit and St. Joseph Railway Company. The new car which had been christened the "Governor Mason" had a capacity of thirty-six persons, and in elegance and equipment was in no manner inferior to the ones of which they had been deprived by judicial process.

On Saturday the 3rd day of February, 1838, the first passenger train upon the Central Railroad to run between Detroit and Ypsilanti, made its initial trip. It was an event of more than ordinary importance, and preparation was made to celebrate it with befitting pomp and ceremony. On the morning of the day in question the population was out in mass to witness the departure

of a train that would now be in strange contrast to the ones that almost hourly through the day are departing over the various lines that enter the metropolis. Then the crude little locomotive with the cord-wood piled high upon the tender was followed by the "Governor Mason," then by three cars of lesser elegance and three rough cars that had been improvised for the occasion. The Governor and the State officers were granted the distinguished honor of passage at the head of the train, after them the members of the Legislature, then the Brady Guards and distinguished citizens. Slowly this railway cavalcade pulled out for Ypsilanti, where it arrived without mishap three hours later, although it was the boast of the newspapers afterwards, that when in motion the train was able to make as high as fifteen miles an hour. At Ypsilanti the village population and the settlers from a distance were present in force to give a hearty and perhaps a boisterous welcome. A dinner for several hundred was served. Gen. John Van Fossen on behalf of the citizens of Ypsilanti delivered to the Governor an engrossed copy of a congratulatory address phrased in the exuberant style of the old days. To this the Governor responded, the band played and before the afternoon was far advanced the train began its homeward journey with its load of enthusiastic excursionists, but before they were well under way the mechanism of the locomotive refused to do its work, causing frequent stops and at last when they had reached Ten Eyck's (Dearbornville), the boiler sprang a leak rendering its further progress impossible until repaired. After some considerable delay teams were procured and hitched to the cars which were thus drawn into Detroit where they arrived

about midnight. One team balked on the way, and by the hilarious passengers were voted Federalists, but their place was soon supplied by another which proved more reliable.

During the remainder of the winter, snow and ice seriously impeded traffic, but it was nevertheless of such a volume as to offer substantial encouragement to those who had assumed the burden of the State's policy. Opposition to the Board of Commissioners, however, seemed to increase rather than to lose in force; petitions and remonstrances, questioning not only their judgment and discretion but their integrity as well, continued to be presented, as did likewise numerously signed representations in support of their actions and decisions. These matters ultimately became the subject of legislative investigation and inquiry; which, however, brought few tangible results aside from intensifying public feeling and an order from the legislature, that the route of the Southern road be so curved as to touch Dundee, and that a new survey be run from Centerville to Niles.

At the regular session of the Legislature the law governing the Board of Commissioners of Internal Improvement was amended so as to provide further safeguards to the funds, while appropriations were of a character to indicate a determination to renew the improvement campaign during the next summer with unabated zeal. Appropriations of $350,000 were given to both the Southern and the Central roads, $60,000 to the Northern road, $250,000 for the Clinton and Kalamazoo Canal, $45,000 for the Saginaw Canal and $25,000 additional to the amount already appropriated, making $50,000 in all, for the St. Mary's Canal; $30,000 for the improvement of

the Grand and Maple Rivers, and $8,000 for the Kalamazoo. All moneys appropriated for the Clinton and Kalamazoo Canal and for the Central and Southern Railroads, it was stipulated, should be expended upon their eastern sections.

The Governor, to avoid the contest and recrimination which he evidently feared would follow, delayed the nomination of members of the Board of Commissioners of Internal Improvement until near the close of the session. As the year before the House and Senate had received the nominations in joint session, so now, April 2, 1838, the Governor sent a message informing the two Houses that he was ready to submit nominations to them in joint assembly. To this the Senate replied that it would act upon the nominations as a separate body. Apprehensive that the action of the Senate was designed to retain members no longer desired, or to force the appointment of gentlemen not in all respects agreeable to the administration, there was at once assembled at "Republican committee rooms" in Detroit, a very representative gathering of citizens from various parts of the State which diverse missions had brought to the metropolis. The meeting was soon regularly organized and after what evidently was a very plain discussion of affairs, a committee was appointed to draft resolutions expressive of the sense of the meeting. The resolutions were prefaced with a preamble expressive of "undiminished confidence in His Excellency, Governor Mason, his purity of character and his intention to administer the Government of this State with a strict regard to its prosperity and the happiness of its people," and closed with the declaration that, "whether right or wrong," the pol-

icy pursued by the Board of Commissioners had been such as to create a "want of confidence" in the very system of internal improvements itself.

The meeting viewed the action of the Senate with "astonishment and alarm," and resolved, "that with a view to harmonize all difference of opinion, and to put an end to an intriguing policy, we respectfully recommend to His Excellency, Governor Mason, regarding the various perplexing and harassing petitions, memorials and remonstrances presented to him respecting the conduct of the present Board of Commissioners, the propriety of nominating an entire new Board to consist of the most pure, consistent and efficient members of the Democratic party whom he can select;" the resolutions further urging, "that if any of the old Board were retained, they be of the least exceptionable character." From this meeting a committee of thirty gentlemen was selected from various parts of the State to wait upon the Governor at eight o'clock the same evening with a copy of the resolutions adopted and to accompany them with such verbal explanations as it should deem necessary.

The result of this interview does not appear, but on the morning of April 4, Governor Mason sent to each House of the Legislature in separate session the names of Lansing B. Mizner of Wayne; Levi S. Humphrey of Monroe; James B. Hunt of Oakland; William A. Burt of Macomb; Edwin H. Lathrop of Kalamazoo; Hiram Alden of Branch; and Rix Robinson of Kent as members of the Board of Commissioners of Internal Improvement. All were promptly confirmed, except the nomination of Hiram Alden, which was rejected, and a communication was sent to the Governor requesting that he send

another nomination. The Governor replied that he had no other nominations to submit; which at once drew from the House, and especially from the Whig members, a flood of oratory and a resolution of censure which was laid upon the table by only a vote of 16 to 15. The vote on the rejection of the nomination of Hiram Alden was the next day reconsidered and confirmed by a substantial majority.

The Legislature adjourned upon the 6th of April, and for a time the public mind was engrossed with the increasing stringency in financial affairs of the country in general and which, through "wild cat" banks, could be said to bear upon Michigan in particular. With difficulties on the Board of Commissioners momentarily quieted, that branch of the service seemed for a time destined to fulfill public expectations. The citizens of Monroe, overjoyed at the appropriation that had been made for the Southern road, served a sumptuous dinner at which the Governor was the honored guest; and with the activities of returning spring, the Central road began business of a character that seemed to augur great things for the future. Two trains a day were running between Detroit and Ypsilanti, and on May 19, 1838, the *Journal and Courier* voiced its pleasure by saying, "It is gratifying to know that the freight and travel on this State road are increasing rapidly. The average receipts for several days past have been upwards of three hundred dollars per day. On Monday they were $326, on Tuesday $431, on Wednesday $310 and on Thursday $372." A report of the 18th of July disclosed that for the week ending July 17, the thirty miles of road showed earnings of $2,957.52.

Contracts for the construction of the work upon the Clinton and Kalamazoo Canal from Mt. Clemens to Utica were let; and Mt. Clemens, not to be outdone by more pretentious places, proceeded to fittingly celebrate the inauguration of the important event. On July 20, the day set for the commencement of work, the people gathered from far and near to witness the breaking of the ground. Colonel James L. Conger of Belvidere as president of the day, lead the procession to the Canal right-of-way accompanied by Governor Mason, Judge Wilkins and United States Marshal Ten Eyck. Here a barrow was provided and with appropriate dignity Colonel Conger presented a spade to Governor Mason, who while a cannon boomed from a neighboring knoll, and while the people cheered and a "buckskin" band discoursed martial airs, stripped his coat and proceeded to fill the barrow with soil, which was wheeled away by Colonel Conger and dumped upon the embankment. The procession reformed and marched back to Mt. Clemens where a dinner was served beneath an arbor which had to be covered with canvas on account of the showers which continued to mar the day. Here the addresses of the day were delivered. The principal one, as would be expected, was delivered by the Governor, and the tenor of his remarks was in keeping with the occasion; although the presence of the now venerable Judge Christian Clemens by his side did not fail to induce reminiscences of the days of 1831, when in need of friends and supporters he had gone to Mt. Clemens and in the person of Judge Clemens had found one who had said, "Do your duty, boy, and we will stand by you."

From this time forward during the season work was

pushed forward with as much vigor as might have been expected in view of the disturbed financial condition of the State and Nation. In July contracts were let upon the Northern road for the clearing of the right-of-way from Port Huron to Lyons; for grading upon a four mile section from Flint westward, and upon a ten mile section from Lyons eastward, and a considerable force of men was soon employed in prosecuting the work. Upon the Southern road construction was pushed forward so that by autumn the superstructure was approaching completion to Leroy, a settlement in Palmyra Township some thirty miles to the westward of Monroe, while the right-of-way was being cleared as far west as Hillsdale. The Commissioner in charge of the Central road had placed it under contract as far as Jackson; but the work of actual construction showed little progress, owing as it was claimed by the contractor to sickness which had incapacitated his laborers. Indeed a form of malarial sickness was general over the State in the summer of 1838 and greatly retarded operations upon all the State works. Improvements on the lower portions of the Grand and Kalamazoo Rivers were likewise carried forward, and a company of some fifty laborers were for a time employed upon the Saginaw Canal, to which point approximately $5,000 worth of provisions had been forwarded from Detroit by the State for the support of the laborers, to be deducted from the contractors' estimates as earned. As the appropriation for the Sault Ste. Marie Canal was made with the proviso that it was not to be available in case an appropriation for the purpose could be obtained from Congress at the then present session, no contracts were let upon the work until Sep-

tember 7; at which time it appeared that the General Government was to render no assistance, and the Commissioner in charge let the work upon the upper level of the Canal to Messrs. Smith and Driggs, a firm of contractors of the city of Buffalo, who at once began preparations for active operations in the coming spring.

At the ensuing legislative session the Board of Commissioners, or certain members of it at least, did not escape the general denunciation which now seemed to flow from the continuing financial depression of the country and the partisan rancor which increased rather than lessened in intensity. As an independent policy, aside from the inherent defects in the policy itself, there was nothing in the progress of the works or in their prospective utility, the standards of the day considered, that warranted bitter criticism and censure. The real trouble and defect seemed not to have yet been discovered. No one made complaint of the policy as such. No one yet seemed to see that to satisfy "all the people" the State had undertaken projects for which there was no economic need and that by so doing it had divided its energies and resources so that insufficient remained for the energetic prosecution of any project. The faction of disaffection could see fault only in the individuals charged with responsibility.

The Governor's message was highly congratulatory on the progress that had been made. It disclosed that up to that time there had been expended by the Department of Internal Improvement the sum of $888,301.03, of which $572,789.69 had been expended upon the Central; $216,825.70 upon the Southern; $20,998.69 upon the Northern; $34,098.84 upon the Clinton and Kalamazoo

Canal; $17,203.99 upon the Saginaw; $1,946.75 upon the Sault Ste. Marie, and $24,139.64 upon the different so-called navigable streams. With special felicity did the Governor call attention to the fact that from the 3rd of February 1838 to the 18th of December following, the earning on the twenty-eight miles of the Central road had been $81,604.54, a sum which exceeded the cost of operation by $37,283.74. "When it is borne in mind," said he, "that the receipts as above stated, have accrued on only twenty-eight miles of the road, it is fair to conclude, that in progress of time, when the entire work is completed, the resources of the State developed and the enterprise of our increasing population actively employed, it will yield a return of income beyond our most sanguine expectations." But with a growing sense of caution the Governor added, "But this flattering exhibition must not lead us to forget the caution and economy with which our expenditures should be made. We have adopted a system of internal improvements, which will for its success demand the exercise of our most rigid economy." The necessity for this economy he proceeded to show, by enlarging upon the works undertaken and in progress, the estimates for the construction of which, he feared, would fall far short of their actual cost. He concluded the subject by abjuring the Legislature to "examine rigidly the expenditures of the Commissioners." Said he, "Let no complaint pass unheeded. Direct your committee to investigate fully the proceedings of the present and previous boards of commissioners, that it may be distinctly known to the people of Michigan, if there has been any profligate expenditures or improper use of the public moneys."

GOV. STEVENS T. MASON'S GRAVE. MARBLE CEMETERY, NEW YORK CITY
Daniel McCoy, Arthur Holmes, Lawton T. Hemans, committee on removal.

CAPITOL SQUARE PARK, DETROIT
Present resting place of Governor Mason.

On January 16, 1839, the Commissioners filed with the Legislature their annual report which disclosed no facts of interest not heretofore mentioned, but it formed the basis for the appointment in the House a few days later of a committee of five members to investigate the doings of the past and present Commissioners of Internal Improvement. For some reason the speaker in appointing this committee deviated from the general rule in the appointment of committees in political bodies, and gave to the Whig minority of the House the majority thereon. The committee prosecuted its investigations until April 6, when it presented to the House a report in which only the Whig members of the committee joined. The work of the committee had been made sensational in character and the report was no less so. One finds difficulty in ascertaining the true condition from the report. Some matters set forth would, unexplained, seem of a questionable character, but they are so combined with charges that are clearly of a bitter partisan character that it is difficult to separate the one from the other. The report criticized Colonel M'Kinstry to some extent, but was principally devoted to Commissioners James B. Hunt and Levi S. Humphrey, who were specifically charged with misdoings of a grave and serious nature. General Humphrey was directly charged with being a defaulter to the State in the sum of nearly $20,000. The report at once drew replies from both the gentlemen accused, denying the allegations brought against them, and a counter statement from another committee showing that, so far as the charges against General Humphrey were concerned, they resulted from an error made by the investigating committee itself. Both James B.

Hunt and Levi S. Humphrey survived by many years the days of the State's efforts for internal improvements, and perhaps the strongest refutation of the charges that were at this time brought against them is to be found in the high esteem in which both were thereafter held and the responsible positions to which they were thereafter called in the business and political affairs of the country. The agitation however was not without results. Towards the end of the session there began to be evidences of a growing conviction that there were defects in the policy as well as cause for criticism of the officials charged with the duty of administering the laws. On April 11 Senator Kercheval introduced and sought ineffectually to have passed a resolution authorizing negotiations looking to a reduction of the State loan from five million to three million dollars, coupled with a declaration to the effect that all appropriations should be limited to those works which would be likely to produce income approximating the interest upon the money they would cost. The Legislature was not yet ready to make the confession such a resolution implied; but the increasing financial embarrassment of the people made retrenchment imperative, and so, without subscribing to the formal declaration, it reduced the appropriations to $100,000 each for the Central and Southern roads; $40,000 for the Northern road; $60,000 for the Clinton and Kalamazoo Canal; and $25,000 each for the St. Joseph River and for a canal around the rapids on the Grand. This was about one-third the amount of the appropriation the year previous.

To further decrease expenditures, the Board of Commissioners of Internal Improvement was reduced from

seven to three members, to which positions the Governor nominated and the Legislature confirmed Rix Robinson of Kent, Levi S. Humphrey of Monroe and William R. Thompson of Washtenaw. During the following summer despondency was a chronic business condition throughout the country and the works upon which Michigan had embarked with so much enthusiasm two years before were now prosecuted with a languishing zeal. Even had the faith of the people been still full and strong, the treasury was without funds to meet in full the reduced appropriations. In May the Commissioners, pursuant to a resolution of the Legislature, advanced the sum of $5,000 to the contractors upon the Sault Ste. Marie Canal, who with a force of workmen repaired to the north to begin operations. In the meantime the War Department at Washington had been informed by an officer at Fort Brady of the work about to be projected by the State, and further advised that the Canal if constructed would interfere with certain improvements at the place that had been made by the United States Government, among which was a mill race through which water was conveyed for the operation for a sawmill. The War Department forwarded instructions to the post commander to apprise the contractor that in the execution of his contract he would not be allowed in any way to interfere with the raceway, although the Government would make no objection to the construction of the work through the military reservation or grounds, provided it did not seriously injure the Government interests. The contractor at once upon arrival was informed of the instructions from the War Department, and although there seems to have been abundant room where the con-

tractor might have prosecuted his work pending notice to the State authorities and settlement of the difficulty, which was later adjusted, he proceeded on the morning of May 13 with about fifty laborers to the very point in dispute, seemingly to force the issue. Little or nothing had been accomplished by the contractor and his men when Captain Johnson of Fort Brady with thirty regulars armed with muskets appeared upon the scene and ordered a discontinuance of operations. As no attention was paid to the order, the regulars acting under command of their officer proceeded to forcibly remove the foreman and his men. This action terminated work under the contract and no doubt delayed the construction of the Canal for many years. It has been usual to charge this failure to the unwarranted and illegal interference of the National Government. Governor Mason and Governor Woodbridge later gave the matter extended consideration, and even Hon. James V. Campbell has characterized the action of the military as "a very gross outrage." And indeed the failure of the War Department to call the matter to the attention of the State authorities before marching an armed body of men to forcibly drive the laborers from a work of State concern comes very close to Judge Campbell's characterization; but there are other facts, it would seem, that should absolve the War Department from the whole responsibility. By August 9, 1839, an agreement was reached by the State and by the War Department that permitted the continuance of work upon the canal. The Board of Commissioners thereupon ordered the contractors to proceed under their contract. The fact that they refused to comply lends color to the intimation in the report of

Tracy McCracken, the engineer, that the contractors, having been advanced $5,000 by the State, were furnished a strong inducement to begin work at the one point where they were sure to be stopped, thereby furnishing the basis for an almost undisputable claim for damages in being kept from the performance of their contract by circumstances not under their control. When the end of the season came, the sum total of the advance upon the State works could be summarized as a few miles of grade and one hundred and ten miles cleared and grubbed on the Northern road; the Southern road under contract from Monroe to Hillsdale and completed as far as Adrian; the Central under contract to Jackson, with cars running daily to Ann Arbor, to which point the line was opened October 17, 1839. The opening of the line to this point was an event that was celebrated by the Brady Guards and some eight hundred citizens of Detroit in conjunction with the citizens of Ann Arbor. The Clinton and Kalamazoo Canal was under contract from Mt. Clemens to Rochester and partially completed: five miles of the Saginaw Canal had been placed under contract and one mile completed; the Grand had been made navigable to the rapids, and the Kalamazoo put in like condition for boats of not over four feet draught from its mouth to Allegan; a large number of surveys had been made, and the State had expended $1,510,315. Looking back from the closing days of his administration and reviewing his own official recommendations in the matter of internal improvements, Governor Mason could say: "The result of the legislation upon these executive recommendations was, after months of warfare between conflicting local interests, a conference between

the two Houses of the Legislature, resulting in the unanimous adoption of the present system of internal improvements. No party action was brought to bear upon the subject, and the error if error there is was the emanation of that false spirit of the age which forced States as well as individuals to over-action and extended projects. If Michigan has overtaxed her energies and resources, she stands not alone, but has fallen into that fatal policy which has involved in almost unparalleled embarrassment so many of her sister States."

Thus truthfully did the Boy Governor of Michigan diagnose the causes that had contributed to the failure of a cherished policy and thus manfully did he share the burden of the responsibility for the error, which, as he said, had emanated from a false spirit of the age.

CHAPTER XX

Internal Improvements and the Five Million Dollar Loan

INTIMATELY connected with the State's scheme of internal improvements, and perhaps more disastrous to Governor Mason's political reputation than any other connected with his administration were the incidents connected with the negotiation of the five million dollar loan authorized by the Legislature in March, 1837. From the very first Governor Mason undertook with hesitancy the duties imposed by this Act, for he realized better than anyone else the great responsibility incident to such an undertaking and his own lack of knowledge and experience requisite to its proper discharge. Had he foreseen the added difficulties of the task that were to be imposed by the financial stress under which the country was to labor, it is quite probable that he would have refused to assume the duties that were so foreign to his office, but these things were as imperfectly foreseen by the Governor as by the great body of the people.

Upon the opening of navigation in the spring of 1837, Governor Mason repaired to New York to take up the negotiation of the loan. Inasmuch as a loan for $100,000 authorized by the Legislature of 1835,[1] for the current expenses of the State government had been successfully negotiated by Mr. John Delafield, a prominent banker of New York who was then acting as the agent of the State

[1]Passed Nov. 14, 1835.

for the payment of the interest on the loan, Governor Mason quite naturally sought the assistance of Mr. Delafield in the negotiation of this larger responsibility. After some time spent among the capitalists of New York, the Governor returned to Michigan satisfied that it would be exceedingly difficult if not impossible to effect a sale of the State bonds under the then disturbed financial conditions of the country; but before returning he delegated to Mr. Delafield a general agency to correspond with capitalists both in this country and in Europe looking to the placing of the loan. The summer passed without the attainment of the desired end, and as political capital was being made out of the failure or delay, Governor Mason in September again repaired to New York to give his personal attention to the matter. He now learned from Mr. Delafield that, notwithstanding the most persistent effort upon his part, no portion of the loan had been placed, and that in his opinion under the then present financial conditions it could not be negotiated unless the interest on the bonds was increased to six per cent and both interest and principal made payable in Europe. The Governor was assured that, could these changes be made, Mr. James King of the highly respectable brokerage firm of Prime, Ward and King, who was about visiting Europe would take charge of the loan and give personal attention to its negotiation, and that there would be little or no question as to a successful termination. Indeed, so sanguine was Mr. Delafield that the bonds would find sale in London, that he offered, in the event of the law being changed to conform to his suggestion as to interest and place of pay-

ment, to advance to the State $150,000 in anticipation of the amount realized upon the sale.

Highly elated, the Governor returned to Michigan, and in the excitement of the campaign, then raging, his report of the prospects of a successful issue was treated as equivalent to a consummation. Almost immediately on the reassembling of the Legislature in the adjourned session of November 9, 1837, a bill was introduced and promptly passed which received approval on the 15th, amending the act authorizing the five million dollar loan so that the interest might be six instead of five and one-half per cent, and providing payment in Europe as well as in the United States should the Governor find it advantageous to so contract. The amendatory act further provided that, in case of the placing of the loan or any part of it in Europe, all benefit to be derived from difference of exchange should inure to the benefit of the State, that the bonds should be redeemable at the rate of $4.44 for every pound sterling of Great Britain or the guilder of Holland at the rate of forty cents each.[2] The Governor had determined that the bonds should not be negotiated for any considerable amount in advance of the need of the funds for the purposes of internal improvements and, still believing that there would now be little difficulty in selling the bonds as the work progressed, he caused bonds to the amount of $1,500,000 to be prepared and executed in conformity to the amended statute. Bonds to the amount of $500,000 were soon sold to Mr. Oliver Newberry, the veteran steamship builder of Detroit, at a premium of six per cent, while $1,000,000

[2]Act No. 1, Public Acts of 1838.

of the bonds were placed in the hands of Mr. Delafield.[3] Of the latter bonds $300,000 par value were turned over to Messrs. Prime, Ward and King, and by them consigned to Baring Bros. Co., London, where together with certified copies of the law under which they were issued they were received in December.[4] About the same time, in keeping with the understanding with Mr. Delafield and to relieve the exchange between Detroit and New York, drafts were drawn against him for the sum of $150,000. Contrary to the expectations of the Governor, Mr. Delafield met this draft not by an advance, but by a draft in like amount upon the Baring Bros. Co. of London.

On February 12 the Legislature, reflecting the public interest in the loan, by resolution requested information from the Governor as to the state of the negotiations,[5] which the Governor supplied a few days later through a communication which exhibits the degree of assurance which he felt for the successful outcome of the transaction. Mentioning the fact that he had attempted to procure but $1,500,000, as sufficient for immediate needs, he said: "This sum, however, may be certainly calculated upon, and the legislature can safely appropriate to that amount. If the Legislature of the present session should require it, I am confident the whole loan or any additional portion of it may readily be negotiated." Again on April 6th he communicated to the Legislature the information that, he was advised, in the course of sixty days he would be able to draw from three to four hundred thousand dollars against the balance of the million of bonds

[3] *House Journal*, 1838, p. 188.
[4] *Mich. Hist. Colls.*, VII, p. 145.
[5] *House Journal*, 1838, pp. 165-188.

then in the hands of Messrs. Prime, Ward and King.[6] Notwithstanding the optimistic reports that the Governor was receiving and from time to time transmitting to the Legislature, he was unable to free himself from a feeling of distrust of his own ability for so exceptional a service. A man in the high position of executive of a State can hardly refuse to assume the duties that the Legislature may see fit to impose upon him, even when they are of a nature foreign to the office; and for that reason the desires of the executive in that regard are quite generally respected, although in this instance they did not seem to avail. As the Governor has been made to bear the responsibility for all the failures attending the subsequent negotiations of the loan, it is perhaps just that his efforts to escape the imposing of the responsibility should be given. On March 22 the Governor sent to the Senate a message devoted to the subject, in which he said:

"I am constrained by a sense of public duty to call the attention of the Legislature to the importance of providing some proper agency for the management of the State loans already authorized or hereafter to be authorized by the State. At present the exclusive and unrestricted negotiation and management of loans as well as the sale of all exchange derived from that source is left to the discretion of the Governor of the State. This is wrong in principle as it gives to the control of one individual millions of the public money without any corresponding check or responsibility. But in addition to this objection on the ground of principle, it will readily occur to you that the public interests demand that this important

[6] *Ibid.*, pp. 472-473.

branch of our State policy, the management of its finances, should receive the undivided attention of a distinct department organized for that purpose. It is impossible for the executive to bestow that attention to the subject which its importance demands, without the neglect of other imperious duties. But whilst as an officer of the State, I am willing to discharge any duty imposed upon me by the public, I feel that it is due to myself that I should not incur the heavy responsibility of controlling the loans of the State when they can receive but a limited portion of my time and service. I would therefore earnestly recommend the creation of a Board of Loan Commissioners, the members to be chosen by the Legislature, to whom the negotiation and management of all loans shall be entrusted.'"[7]

A bill to provide for such a commission passed the House and with some amendments passed the Senate, but was lost through House and Senate failing to agree; thus the Governor was forced to assume a responsibility not within the purview of his official duties and from which he had respectfully requested of the Legislature that he might be relieved. To add to the difficulties of the situation, no sooner had the Legislature adjourned than the Governor received advice that the negotiations which had promised the sale of a million bonds in London had been terminated by the Baring Bros. Co. discovering that there were certain ambiguities in the amended statute authorizing the loan. Their view of the law was, that while it was positive as to the payment of interest in Europe, the payment of the principal in Europe was to be inferred only by implication; they likewise pro-

[7] *Senate Journal*, 1838, p. 275.

fessed to believe that the law in fixing the pound sterling at $4.44 had fixed the rate of exchange, so that while a premium of ten per cent would yield Michigan $4.88 per pound sterling, still the State would only be required to repay at the rate of $4.44. In vain the Governor wrote them that the valuation of $4.44 upon the pound sterling had nothing whatever to do with the rate of exchange, but was only intended to stipulate the par value in American money of the pound sterling, the State still being chargeable with the exchange incident to the transmission of funds. In vain likewise were several other efforts to satisfy the cautious London bankers. It was finally found necessary to bring back the $300,000 of bonds and remit $150,000 to Baring Bros. Co., London, to cover the draft that had been made upon them for the advance in prospect of sale.[8] While efforts continued for some months to interest the Rothschilds and others, they were to no purpose. The ambitious projects of internal improvement in many of the States were flooding the money centers of Europe with securities, at which, under the disturbed financial conditions of the country, financiers looked with anything but eager interest. Of the bonds taken by Oliver Newberry, a portion were placed upon the London market where they sold for ninety-five and some as low as ninety-three cents on the dollar. It was soon evident that he would be unable to fulfill his contract. Indeed he was later compelled to seek the cancellation of his contract and return $300,000 of the $500,000 which his contract embraced.

The Legislature adjourned, on the 6th of April, with appropriations for the purposes of internal improve-

[8] *House Docs.*, 1838, No. 44.

ments payable from the proceeds of the loan of more than $1,000,000,[9] while provision had been made for a bond issue of $100,000 for the aid of the Allegan and Marshall Railroad Company[10] and a like issue for the Ypsilanti and Tecumseh Railroad Company.[11] Contracts had been let upon the various projects and contractors were busily engaged in the collection of materials and forces necessary for the work, while as yet there had been realized upon bonds actually sold the sum of $161,000.[12] Another factor in the situation, as has been before stated, was to be found in the chaotic condition of the currency and pervading sense of financial disaster that soon possessed everyone from the banker to the settler in the new-made clearing. Everyone had his pockets filled with the bills of the "wild cat" banks which were of varying degrees of badness; specie was in the hands of the favored few, so that in the hands of the people generally there were hardly any funds that would discharge obligations in the East. Among the farmers, the merchants, and in financial and commercial circles there was a general desire that the loan be negotiated as speedily as possible and that the proceeds be allowed to flow out to public relief through the channel of internal improvements or from institutions where for the time being it might be upon deposit. At the same time the situation was rendered more and more difficult by the spirit of partisan politics which infested it, and which impelled Democrats to yield to expediency and Whigs to charge every

[9] *Public Acts*, 1838, pp. 154-190.
[10] *Ibid.*, 252.
[11] *Ibid.*, 259.
[12] *House Docs.*, 1838, No. 44, p. 18.

show of hesitancy and conservatism to inefficiency and failure.

That many of these considerations had influence with the governor we may well presume; but the fact that the appropriations of the Legislature had been already made and contracts let which would subject the State to heavy claims for damages if it was unable to perform together with the fact that if the loan was not negotiated it meant the disorganization of the whole system of internal improvements which had been deliberately adopted and well nigh universally approved, was the decisive consideration with him. In the late days of April the Governor, apprehensive from long delays that the European negotiations were to be fruitless, again repaired to New York in order if possible to bring matters in connection with the loan to a successful termination. Quite naturally again, the Governor took up negotiations with Edward R. Biddle, one of that eminent family of which Major John Biddle of Detroit who had been the opposing candidate against Governor Mason in his first election, and Nicholas Biddle of both the Bank of the United States and the later United States Bank of Pennsylvania were also members. On May 8 a tentative contract was entered into between the Governor and Mr. Edward R. Biddle, who represented himself and certain claimed capitalists of Philadelphia, for the entire loan at par. The sum of $80,000 was paid at the time of the execution of the contract, and the Governor was hopeful that the matter was disposed of; but after some two weeks of waiting it was found necessary to surrender the contract in consequence of the inability of the contracting parties to meet the stipulated payments. Gov-

ernor Mason was now brought into negotiations with the Morris Canal and Banking Company, a corporation organized under the laws of New Jersey with banking office in the city of New York of which Edward R. Biddle was president. To add piquancy to the story, the Morris Canal and Banking Company has been sometimes compared to the "wild cat" banks with which the people of Michigan were sadly familiar, but no such comparison is warranted by the facts.[13] The Morris Canal and Banking Company had been incorporated in 1824 to construct a canal between the Passaic and Delaware Rivers which was extended later to the Hudson River at Jersey City. This canal which was said to have cost the company $4,000,000[14] was at the time practically completed. In addition to it the company was the owner of many other valuable properties consisting of wharves, docks, farming and mineral lands.[15] As was common with many other corporations of this character in that day, it was authorized to do a banking business in connection with its transportation activities, its additional capital stock for banking purposes being limited to $1,000,000. Three years before this time the stock of this company had sold at a premium of fifty cents upon the dollar;[16] its circulation was practically at par;[17] men of the highest character were upon its board of directors, among whom might be mentioned Washington Irving, of literary fame; Samuel L. Southard, twice Secretary of the Navy; Isaac H. Williamson, for twelve years Governor of New Jersey;

[13] *Michigan as Province, Territory and State*, III, p. 134.
[14] *House Docs.*, 1841, No. 18, p. 6.
[15] *Ibid.*, p. 10.
[16] *Encyc. Americana*, XVI, "Wall Street."
[17] Bicknell's Bank Note List, June 1, 1837.

and Garrett D. Wall, a United States Senator from the same State; while associated with these men were such men as Edwin Lord, John Moss, James B. Morrey, Henry Yates and many others representing the first rank of professional, mercantile and banking circles of New York and Philadelphia. Its financial operations had been of an extensive character, it being then entrusted with the negotiation of the internal improvement loan of the State of Indiana.

The negotiations between Governor Mason and the Morris Canal and Banking Company finally resulted in a contract between the parties under date of June 1, 1838. By the terms of this contract the company was to become the agent of the State for the sale of the whole issue. The principal and interest was made payable in New York, to which city the company was to guarantee the safe delivery of all funds derived from the sale of bonds in Europe or elsewhere. It likewise became the guarantor to the State that it should receive the par value of the aggregate amount of the bonds sold; that is, if in the sale of the bonds it was obliged to dispose of them at a less price than par, it was to make up to the State the deficiency between the price received and the par value. The sum of $1,300,000 of bonds was to be delivered to the company upon the execution of the contract, and it was in turn to pay $250,000 in cash to the State and $1,050,000 was to be subject to its order. The remainder was to be paid in quarterly installments of $250,000 each, beginning with the first day of July 1839 and to continue until the whole sum was paid, and that whether the company had sold the bonds or not. The bonds were to be delivered to the company as the install-

ments became due, so that it would have in hand a million dollars of bonds in advance of actual payment, the company to have the right to take all the bonds and pay over the remainder of the five million dollars at any time upon a thirty day written notice to the Governor. In the event of sales at more than par the contracting parties were to divide equally all premiums up to five per cent, the company to take in addition all in excess of five per cent. For the execution of the contract, which was made irrevocable, the company was to receive a commission of two and a half per cent on the proceeds of sales, which was to be in lieu of all other expenses.[18]

It will be observed that by the terms of the contract $1,050,000 was immediately made subject to the State's order, in addition to the $250,000 dollars of present payment. On June 4 a so-called supplementary agreement was made between the contracting parties.[19] It provided that the company, having passed to the credit of the Governor on the Michigan loan the sum of $1,300,000, the Governor was to accept in payment of that sum the bills of the Morris Canal and Banking Company and disburse them so far as the exigencies of the State might allow. These bills were to be received, $250,000 dollars on August 1 next ensuing, $100,000 on September 1, and $100,000 on the first of each month thereafter. This has been generally treated by the Governor's critics as an unlawful modification of the original contract which involved a material interest loss to the State;[20] in fair-

[18] *House Docs.*, 1839, No. 44, p. 7.
[19] *Ibid.*, p. 11.
[20] *House Docs.*, 1841, No. 18, p. 61; *Mich. as Prov., Terr. and State*, III, 185.

ness to the Governor it should be said that it was his contention that it was not a modification or departure from the original contract, but was in fact a part of the original terms of sale, embraced in a separate memorandum because it related to the first payments which were to be made upon the amount passed to the credit of the State as fast as they could be prepared and issued.[21] Unquestionably this contract violated the spirit even though it kept within the letter of the law. It had been clearly specified that the sale should be for at least par, while a commission of two and one-half per cent was in effect a sale at ninety-seven and a half cents, although the Governor hoped and no doubt was given encouragement to believe that the bonds would be sold so that the State's share of the premiums would make up this deficiency. The justification for a sale at this figure and upon these conditions was, of course, the exigencies of the situation arising from the peculiar circumstances in which the State was placed and the then distressed condition of the money market, the details of which the Governor subsequently submitted to the Legislature.

On the 8th of June Governor Mason being about to start for Michigan, bills of the Morris Canal and Banking Company to the amount of $110,397.70, the same being $10,397.70 of a balance due on the first payment of $250,000 and $100,000 as the August installment, were brought over from the company's banking house at Jersey City to the branch in New York City. Theodore Romeyn of Detroit having been in the city during the Governor's negotiations with the company, although not under

[21] Mason Romeyn pamphlets (Burton Historical Colls.)

employment, had nevertheless interested himself in the business, to the extent of giving the Governor his friendly counsel and advice. Now that the bills of the bank were ready for transfer, Mr. Romeyn at the request of the Governor procured for him a small trunk for the purpose; and the trunk and its contents were the occasion of a mystery that supplied gossip for a generation, it is correspondingly proper that the facts surrounding the mystery be fully stated.

The money as it was being prepared for shipment was not counted by the Governor but was several times counted by the bank clerks, who stamped each bill upon the back in red as a protection against robbery on the journey to Detroit. The bills were then done into packages, with the amount of each package marked upon the band of the paper around it; and the various packages were then placed within the trunk, which was then locked and the key delivered to the Governor who conveyed it to the Astor House where it was put in charge of the bookkeeper during the evening meal. Mr. Romeyn, having signified his intention to remain in his room for the evening, at the request of the Governor consented to take charge of the trunk until the Governor, who was going out, should return. Returning about midnight the Governor found the trunk safe in Mr. Romeyn's possession it was then opened and several articles of Mr. Romeyn placed therein, after which it was removed to the room of the Governor where several more articles were included and the trunk locked. Its subsequent journey is illustrative of travel in the olden days, and may well be given in the language of the Governor him-

self, as detailed to a subsequent legislative committee of investigation.[22]

"On the next morning after receiving the trunk, I left New York in the six o'clock boat; the trunk was not out of my sight more than ten minutes, and then under the lock of my room until it was placed on board the Albany boat; when on the boat, I requested Mr. Romeyn to have it placed in the captain's office, having attached his name to the trunk. My reason for identifying the trunk with Mr. Romeyn, as well as my reason for requesting him to purchase it, was, that as it was generally known I was negotiating a loan in New York, I might be followed for the purpose of stealing it on the road home. At Albany the trunk was kept in my room, and when I was out I had the key of my room in my possession. I was in Albany one evening, between that place and Utica, when it was under the lock of the baggage car. From Utica to Syracuse it was in front of the stage under the driver's seat. We left Utica about 4 o'clock in the afternoon and reached Syracuse at about one or two o'clock in the morning. At Syracuse it was not out of my keeping. From Syracuse to Oswego it was on the deck of the canal boat for about half a day. At Oswego for one afternoon it was under lock in my room. From Oswego to Niagara it was in the office of the captain of the boat for one night. From Niagara to Buffalo it was on the top of the railroad car and I rode on the outside in the night with it. At Buffalo it remained in my room under lock. On Lake Erie it was placed in the captain's office and delivered to me at

[22] *House Docs.*, 1839, No. 44, p. 27.

Detroit. When I arrived home I took from the trunk the articles belonging to Mr. Romeyn and myself and delivered it to the treasurer. At no time on the journey was the trunk opened by me, nor could I at any time observe that the overcoat on the top had been moved. On opening the trunk at home, everything seemed to me as I had placed them. The package of ten thousand and three hundred and ninety-seven dollars was on top, as I had placed it, and was immediately delivered to the treasurer as part of the cash payment, counted by him and found to be correct."

The trunk and its contents were then deposited in the vault of the Michigan State Bank. Here a few days later the $100,000 of the August installment was counted and then the discovery was made that from the packages of fives, tens, and twenties, bills had been extracted to the amount of $4,630. The bills were all replaced and a communication of the theft at once sent to the Morris Canal and Banking Company. On the same day that the company received the governor's letter apprising it of the loss of the money, it received through the New York postoffice a package which enclosed all the abstracted bills save fifty dollars, the same being returned as mysteriously as it had been taken. The company subsequently remitted the bills returned and the Governor paid the fifty dollars so that the theft resulted in no loss to the State. The incident soon became known and for many weeks furnished the newspapers and the general public with a topic of conversation. Suspicions and speculations were rife and many an apocryphal tale in explanation of the various phases of the mystery became current, to be repeated in the recollections of the occa-

sional pioneer after the lapse of half a century. The Governor entertained suspicions as to who abstracted the bills, but to the committee of investigation of the succeeding Legislature he refused to express them, saying, "I am unwilling to express my opinions or suspicions where no positive testimony exists."

The whole subject of the loan now presented an added question for political agitation. The opposition press was loudly clamorous that all the details of the negotiations be given to the people; growing sarcastic and vituperative when the Governor remained silent or said he would report his doings to the Legislature when it should convene.

The Governor, made apprehensive for the safe delivery of the subsequent installments by his experience in guarding the first remittance from New York to Detroit and the theft of a large sum notwithstanding his vigilance, after counseling with his friends dispatched John Norton Jr., cashier of the Michigan State Bank and fiscal agent of the Legislature, to New York to effect a change in the method of remitting the various installments as they should fall due. The Morris Canal and Banking Company considered that it was a valuable advantage to have its bills placed in circulation, but on July 14 a contract was entered into between the company and Mr. Norton whereby it was agreed that Mr. Norton should draw bills from Detroit upon the company payable at an average of not less than ninety days after the installments severally became due and payable. This contract was subsequently the occasion of much comment. It was claimed that it entailed a considerable loss to the State, although it was the assertion of the Governor that

"the installments and every draft was credited to the State at par on the very day each became due." Under this arrangement the various installments were remitted, giving to the Detroit banks the benefit of eastern exchange and eliminating the hazard incident to the shipment of the currency. It is evident from the Governor's correspondence that he had full confidence that the Morris Canal and Banking Company, in the discharge of its agency, would seek in every way to promote the interests of the State. He had faith that it would dispose of the bonds as was necessary to meet the various installments and that by such sales it would be able to realize sufficient premium to repay the two and one-half per cent commission and thus make the bonds net par to the State. The Governor seemed not to consider that the company would be principally desirous of making such disposition of its trust as would enable it to claim the two and one-half per cent, or $125,000 commission in the shortest possible time, and that too with a disregard of the interests of the State, and yet this was the situation he was soon called upon to face.

On the 10th of November, Edward R. Biddle of the Morris Canal and Banking Company communicated to the Governor a gloomy prospect for Michigan securities, together with the information that it was now possible for the company to pass the whole amount of the loan to the credit of the State at par—less, of course, the two and one-half per cent commission—provided there was an immediate delivery of the residue of the bonds, the obligation of the Bank of the United States in Pennsylvania to be taken for three fourths and the Morris Canal and Banking Company for one-fourth of the aggre-

gate amount of the bonds and for the payment upon the several installments when by the original contract they should become due. The Governor's reply to this communication shows his keen disappointment. "It is with regret," said he, "I perceive that the state of the European market is such as to render the sale of Michigan bonds a matter of hazard and doubt. My expectation under the contract with your institution was, to realize at least par for the stock, and it is with extreme disappointment that I have presented to me the probability of losing the two and one-half per cent commission which covers your charges. I still cling to the hope that an immediate sale may not be imperatively necessary." And then, evidently more because he was undecided as to the proper course to pursue than because he wished to shirk responsibility, he added, "But as the negotiation of this loan has been a most thankless and perplexing undertaking on my part, I feel unwilling to advise you in the premises."

The company required no further intimation or advice to clearly see its duty to the State. Almost the return mail brought intelligence that the sale had been consummated; the Governor being, at the same time, felicitated upon the advantageous deal that had been closed, while he was solemnly assured that "no small inducement for closing the sale" was that they thereby brought to the aid of the State all the security that could be derived from the capital of the Bank of the United States and the benefit that would accrue to it in its future financial transactions,—the aid which in fact did come to the State was confined almost wholly to the lessons of loss and disaster that resulted from the association.

The Legislature assembled on January 8, 1839, and the Governor's message, as he had promised, went fully into the details of the loan and the various transactions incident to it. While the message seeks to justify the various transactions incident to the business, one reads in it a vein of disappointment and regret that he was unable to report a more satisfactory result from his efforts; but, knowing the rectitude of his own purposes and the fidelity with which he had striven to perform the duty intrusted to him, he asked of the Legislature the appointment of a committee to investigate "all such matters as present an unfavorable aspect" to any portion of the legislative body; demanding for his own conduct the most rigid inquiry. In accordance with this recommendation a joint committee was appointed, consisting of seven from the House and seven from the Senate. In the main the gentlemen selected were the stronger members of their respective bodies. The House members were comprised of five Whigs and two Democrats, while the Senate membership was made up of four Democrats and three Whigs. The Governor's political opponents were thus given a free hand in the investigation, with Daniel S. Bacon, the late Whig candidate for Lieutenant Governor as chairman of the joint committee, and William Woodbridge and James Wright Gordon, who a year later became respectively Governor and Lieutenant Governor on the Whig ticket, among the members. On April 10 Hon. Daniel S. Bacon presented the report of the committee. It was an eminently fair and temperate statement of all the facts connected with the loan and its negotiation. The law providing for the loan had said that it should be negotiated for at least par. The

committee very properly said, "Your committee does not enquire if the compensation stipulated to be paid to the Morris Canal and Banking Company was exorbitant, nor whether a sale of the bonds could have been made on more advantageous terms; they refer to the act of the Legislature as their only rule of action." On the question of the substitution of drafts for the notes of the Morris Canal and Banking Company they were likewise correct in reporting that they could not "discover the necessity or authority for such action." In relation to the abstraction of the bills the committee reported that it had called many witnesses and accumulated a large mass of testimony but that there was nothing in it "which would tend to identify the person guilty of the foul transaction before a judicial tribunal. It sleeps in the bosom of him who perpetrated the crime. It is due to Gov. Mason and to the public to say, that no imputation whatever rests upon him."

Theodore Romeyn was called as a witness before the committee, and in view of subsequent charges that grew out of the transaction, two statements of Mr. Romeyn became material. One was that he had read the Governor's statement of the transaction and that it was true; and the second was, "I have never directly or indirectly drawn any money from the State for my own purposes neither have I received from Governor Mason any accommodation or advances." This last statement has especial significance when read in connection with statements from the same gentleman made a little more than a year later when the exigencies of politics seemed to demand that the Governor be ruthlessly assailed and his reputation blackened.

With the full facts before the public, there were few who did not understand that the requirements of the law authorizing the loan had been exceeded; but the feeling was also quite as general that the terms obtained were perhaps as favorable as could have been expected under the circumstances. Not all members of the Legislature coincided with the various steps that had been taken in the matter, but on one wished to assume the responsibility of rejecting what had been attempted or suggesting means of improvement so, by silence and inaction, they gave assent to what had been done.

As the subsequent incidents in connection with the five million dollar loan followed the political revolution which turned the state and the administration of its affairs to Whig control, they may be better left to be told in connection with that event.

CHAPTER XXI

The Fourth Legislature

IN the four preceding chapters extended notice has been given to the incidents of the Canadian Rebellion, the State banks, internal improvements and the five million dollar loan, because they were all matters of far-reaching importance and in the relation of their incidents could be best told with continuity of detail; but it must not be inferred that at the time they absorbed public attention to the exclusion of all other matters of social and political interest. Even as "Patriot" bands were being dispersed and "wild cat" banks were collapsing, Whigs and Democrats were lining up their forces for the spring election, preparatory for the legislative and congressional campaign of the following November. The Detroit election for the spring of 1838 was looked forward to with more than usual interest, and there is some reason to believe that its near approach may in some measure have tempered the severity with which under other circumstances the neutrality of the United States might have been maintained by the citizens of Michigan at Detroit.

At the previous State election the Whigs had charged the Governor with having sought to influence a voter at the preceding congressional election by the payment of a dollar; they had extolled political virtue and condemned corruption with most vigorous rhetoric. That their standards in this regard were subject to some

variations is evidenced by the following notice which appeared in the *Advertiser* of March 30, 1838:

"*To the Poor*--The Whigs will distribute one hundred dollars in bread and pork among the city poor to-morrow evening. Due notice of the hour and place will be given in the morning paper."

The Whigs had timed their philanthropy for the Saturday preceding the city election, leaving the Democrats to appeal through the less satisfying means of glare and tinsel on the election day. The scenes that were enacted at the distribution of provisions can not be better described than in the language of Silas Beebe, an eye witness, who entered in his diary the following interesting notes:

"April 2nd.—Election day for charter officers of the city of Detroit, and such a fuss, a rumpus, and a rioting I never witnessed in a State election. The hand bills, flags, processions, and a band of music, with a marshal mounted on a richly caparisoned horse with gilt trappings, were only equaled the Saturday before by the opposite party (Whigs) getting up a farce of distributing to the poor, evidently for political effect and electioneering purposes. It is difficult to describe the scene to one who never witnessed it. Fish, pork and bread were the only articles handed out by the committee to the 'hungry' applicants as they presented themselves on all sides of the stand. Many of them were Canadian women and children who had come across the river on the invitation, and some were well fed farmers who lived out of the city; but they were chiefly French and Irish who would crowd up again and again, get their baskets filled, go and empty them and hurry back for more.

Most of the Whigs were sufficiently disgusted before the farce was ended. I left before the election waxed hottest, but learned that there was fighting, broken heads and bloody noses and that the Whigs were the successful party."

This result was the occasion of considerable Whig elation and corresponding chagrin in the Democratic camp. As the summer advanced events seemed to bring increasing encouragement to the Whigs, who were promptly out with a call for the meeting of their congressional convention and let no opportunity pass that served to denounce their political adversaries or to stimulate the enthusiasm of their partisans. The Democratic-Republicans on the contrary, with the approach of the campaign began to show certain evidences of incipient disorganization. The financial disorders of the country in general and of the State in particular, were placing the dominant party upon the defensive; immigration that short time before had been almost phenomenal had now almost ceased, and such as had become established upon the new farms had not yet been able through productive labor to maintain the prosperity in the community which it first felt from the expenditure of the money they brought with them from Eastern homes. As heretofore detailed the five million dollar loan was proving most difficult to negotiate and the grand scheme of internal improvements from which great results had been expected, was for the same reason moving with laggard steps. All of these elements were contributing to the feeling of reaction which while not yet pronounced was none the less apparent. To add to these factors of disorganization in the body of the party there began to be a

lack of harmony among the leaders of the party as well. From the beginning Senator Lyon had found that he was not in full accord with his colleague, Senator Norvell, nor with the member of Congress, Mr. Crary,—they being generally united in opposition to him. This lack of accord related to appointments rather than to public questions and while not a matter of press comment, as time passed became known to an ever widening circle of friends who likewise became partisans in the strife. This division was not so much because of loyalty to any one of the gentlemen at Washington as because of the attainment or defeat of individual ambitions; for with many a man that statesman is the most sagacious and profound who is most influential in providing a place for the particular admirer in the public service.

The Whig Convention assembled at Ann Arbor on the 5th day of September 1838. It was a representative gathering from the several counties of the State. Distance was no deterring factor at this time, and it was one of the noteworthy incidents of the Convention that "one old veteran walked in over sixty miles to carry the wishes of his fellow citizens." The preliminary organization and the preparation and adoption of resolutions consumed the greater part of the time of the Convention for the nomination was made upon the first roll call. Hezekiah G. Wells of Kalamazoo, the defeated candidate of the year before was nominated, receiving 131 votes out of a total of 164 cast. The remainder of the vote was divided between James L. Conger, William Draper, Edward L. Fuller, Daniel S. Bacon, Norman Little, Jacob M. Howard and John Renwick. Many of these men subsequently developed

more than ordinary influence in both their party and the State at large.

The resolutions, from the committee of which Jacob M. Howard was chairman, were more denunciatory than constructive in tone. The sub-treasury scheme was denounced as designed to "give gold to the office holder and rags to the people;" the Senators were condemned for having helped to build up "executive power;" while Isaac E. Crary was said to have proved himself "the pliant tool of power and the betrayer of his country's best interests," and was further characterized as "not possessed of the ability or honesty requisite to form an enlightened statesman or distinguished legislator." The loss of the Toledo strip again formed the basis for much rhetorical flourish, that event being charged to "the feebleness of our State administration, pardonable only on the ground of *juvenile indiscretion.* The five million dollar loan together with the theft of the $4,500, was set forth as showing the incapacity of the Governor, and an article in the Detroit *Free Press* of the year previous, to the effect that the loan had been negotiated, was made the basis of a declaration that the Governor had "connived" at the publication. The resolutions made this charge the basis for a demand that the Legislature investigate the Governor's "deception."

The Democratic-Republican Convention assembled at Ann Arbor the following Tuesday, September 11. It was likewise well attended; but its proceedings evidenced that the delegates were in quite a different frame of mind from that of the delegates who formed the Convention of the week previous. That there was the possibility of a

lack of harmonious action on the part of the Convention was a thing whispered among the faithful for weeks before it in fact convened. The result was a large attendance of gentlemen of official station who were present not as delegates but as friends anxious that the machinery of organization be subjected to no strain and that it receive no jolts or jars that might loosen their hold upon its levers. The temporary and permanent organization of the Convention was effected without show of hostility from any quarter; but the first ballot for candidate brought forward the names of twelve gentlemen for the nomination. Kinsley S. Bingham headed the list with 35 votes, Isaac E. Crary followed with 24 votes, Thomas Fitzgerald 18, Alpheus Felch 14, Henry Smith 12 and Warner Wing 9. Thirty more votes were cast either as blanks or divided among the half-dozen remaining candidates. At this juncture an adjournment was taken until the following day, and during the interval the Crary partisans used their persuasive powers to such good advantage that upon the fourth ballot that gentleman was accorded a nomination by a few more than a majority vote, with Warner Wing a close and somewhat disappointed second. The resolutions adopted were as commendatory as those of the Whigs had been denunciatory. They expressed confidence in the National and State administration, supported the sub-treasury scheme, commended the passage of the pre-emption law; resolved for the speedy completion of the works of internal improvement, for the organization of a State bank and closed with a plea for vigorous and harmonious action. The resolutions as originally reported contained brief and seemingly guarded references to the administration

and as to the State bank project; amendments to both subjects in strong and forceful language were offered and adopted by almost unanimous vote, but the few votes recorded in opposition were evidence of a certain defection that was destined to increase rather than diminish. The Young Men's Democratic Association assembled in convention at Ann Arbor on September 19, and sought through contact and resolutions to aid the cause. A series of "Union Clubs" were organized throughout the State to give support to the Democratic candidate which brought from the Whigs unmeasured condemnation as "offshoots of Tammany." Legislative and county tickets were soon in the field and for two months press and public revelled in the vituperation and slander of an old-time campaign.

For several days preceding the election, which occurred upon the 5th and 6th of November, the papers published formidable lists of party vigilance committees. These committees in some instances numbered as many as sixty to a voting precinct and indicate to the present-day reader preparations sufficient to cope with riot and civil war rather than aids as at lawful election.

The contest resulted in the re-election of Isaac E. Crary as the member of Congress but by a majority of 204 as against a majority of more than a thousand the year before. Both Houses of the Legislature were likewise of the Democratic-Republican majority, the Whigs however having elected 6 of the 17 members of the State Senate and 21 of the 50 members of the House of Representatives.

There was one figure of State prominence whose presence had been lacking in the campaign and that was the

figure of the Governor himself. Shortly following the convention of his party at Ann Arbor the Governor had quietly taken his departure for the East, leaving affairs of State to the care of Lieutenant Governor Mundy. If the negotiation of the five million dollar loan had brought a burden of perplexities and cares, the Governor could say that it had brought to him a large measure of compensation. The Governor's mission had thrown him in contact with many gentlemen in the financial circles of New York. Among the number was Mr. Thaddeus Phelps, a moderately wealthy leather merchant and financial operator of that city. As a guest at his home the Governor met his charming daughter, Julia, and proceeded at once to lose his heart. Whatever criticism could be visited upon the Governor's financial negotiations none could be offered for the zeal or ardor with which he pressed to a successful issue the negotiations for the young lady's hand. To the respository of all his secrets, his sister Emily, he confessed his tender passion, and claimed for the object of his affection the possession of all the charms that were ever bestowed upon the daughters of Eve. "In sweetness of character and real worth," he wrote his sister, "she surpasses every other woman I have ever known." As early as the month of May the public had been taken into the Governor's secret by a two or three line newspaper item conveying the rumored information the "the Governor was about to become a Benedict," and so we may believe that when in the days of early autumn the Governor took his departure for New York to attend to matters of State concern there were those who knew that his quest embraced more than stocks

and bonds and that his interest would be in an affair quite aside from statecraft and politics.

Governor Mason and Julia Elizabeth Phelps were quite unostentatiously married at New York on November 1, 1838. With a reasonable allowance for a lover's enthusiasm, we may well believe that Miss Julia in grace of form and feature, in strength of character and tranquility of temper was all that her lover claimed for her. The Governor at this time was but four days past his twenty-seventh birthday and the bride almost seven years his junior. For nearly one-third of his life Stevens T. Mason had lived in the white glare of public scrutiny; he had learned something of the insincerity of the praise that sometimes follows success, and the injustice of the blame that sometimes follows failure. He was to know more of trial and care; more of the sting of ingratitude and more of the hurt that follows slander than he had ever known before; but all were to be more easily borne because of the loyalty and serene faith of the wife who for a few short years was to share every trial as eagerly as she shared each joy.

For a few weeks the Governor remained in New York, during which time as the correspondence shows he was busy with certain phases of the five million dollar loan and other matters intrusted to his care. With the early days of December the Governor and his bride began the long and tedious journey through New York and Upper Canada for Detroit where they arrived two weeks later. Their arrival was signalized by a welcome that was both gracious and unaffected, being a social event of much interest in an especially brilliant season.

The fourth legislature of the State assembled at Detroit on Monday, the 7th day of January, 1839. On the day following the House organized. By a strict party vote Kinsley S. Bingham was re-elected speaker, the Whig vote being cast for Daniel S. Bacon of Monroe. By the same vote Elijah J. Roberts was chosen clerk. As Mr. Roberts was a leader among the "Patriots" it is quite probable that his selection was not entirely disassociated from that fact, although he was a man of talent and well fitted for the position. On the same day the Senate effected its organizations. The two Houses thereupon convened in joint session and the Governor submitted his message. The opening paragraph of the message evinced the Governor's determination not to again be a candidate for the governorship. Aside from reference to the reports from the various departments of the State government, the greater portion of the message was devoted to the consideration of the problems presented by the banking situation, by the projects of internal improvement and the five million dollar loan. As in previous messages although at less length, the Governor again emphasized his deep interest in the cause of general education. He cautioned the careful husbandry of the endowment which the General Government had bestowed upon the State for the purposes of education, and the exercise of care in the amendment of the school law until time had developed positive defects. He voiced his enthusiasm for the work of the Geological Survey, and with the vision of young years was prophetic of the great development which time has made a reality. The Governor found in the practical working of the judicial system, so far as it related to the Supreme

and Circuit Courts, much to be desired. Said he, "At the organization of our State government the judicial power was vested alone in one Supreme Court, the Judges of which were to perform the duties of Circuit Judges. That system exists at the present day; but from the increase of business in the different counties and from original defects, it is rendered inadequate to the accomplishment of the ends designed by its institution. One objection to the present organization is, that as the Judges of the Supreme Court are required to review their own decisions made as Presiding Judges of the Circuit Courts, the very natural and almost inevitable result must be, that it tends to lessen the public confidence in the administration of justice. The Judges of the court of last resort, whose decisions in the law and in equity are final upon matters of the greatest moment to individuals and the whole community, ought, so far as the law is concerned, to be placed beyond the liability of all suspicion or imputation." Wise as this observation was, it was many years before the reform was made effective. In connection with the reform of the judicial system, the message called attention to the administration of the criminal law, which because of the inadequate compensation paid prosecuting attorneys, he asserted had "become almost inoperative." This condition the Governor suggested might be remedied by a law providing for district prosecuting officers, who from the larger territory they might serve could be paid adequate compensation.

From the Territorial government the State had inherited many statutes requiring fees and licenses to be paid for the carrying on of certain lines of business. To the

whole system the Governor was opposed. Adverting to the broad subject he said, "The only method of raising the revenue of a republic should be by drawing them openly and directly from the people. Then they know and feel what their burdens are. It need not ever be apprehended that they will not render freely what is necessary for the support of the government, according to a just and equal system of taxation. To suppose the contrary is to contend that the people are incapable of self government. With such views I am against all restraints and impositions upon the ordinary pursuits of the citizen."

The question of slavery, although foreign to any control by the Legislature, was yet a question agitating the public mind and as such was given more than passing notice. Like thousands of the public men of the day, the Governor conceded that the institution of slavery was "pernicious" in its relation "to advancement and permanent prosperity" of the communities in which it existed; but he argued that it was an institution recognized by the Federal Constitution, and urged that, but for the recognition, a Federal Union could not have been formed. With these views he characterized those of the North who were agitating the question of abolition as actuated "by misdirected philanthropy," which if successful, he proceeded to say, "must not only subvert the domestic institution of their southern neighbors but endanger the union of the States as well."

In positive language the Governor deprecated the zeal which had led a portion of the citizens of the State to disregard the laws of the country and show contempt

for national faith by joining in armed incursions against the British territory adjacent to us.

As the Legislature of 1838 had authorized the Governor to consult some eminent jurist of the country as to the State's legal claim to the Toledo strip, the Governor now laid before the Legislature an opinion which he had procured from Chancellor James Kent and David B. Ogden of New York. The opinion was of course against the right of the State to review the question and marked the last attempt of the State authorities in the matter.

This message has not escaped the criticism of later-day writers, who think they find in it a degree of optimism not warranted by the then existing conditions; but by the average citizen of the time both in Michigan and at Washington it was accorded high commendation.

The Legislature was soon at work upon a mass of bills of general character and unworthy of special mention. The new compilation of the laws of the State was now in printed form as *The Revised Statutes of 1838.* A more critical examination of the work disclosed that it required many amendments to make it conform to what the Legislature had intended and directed should be included in it. Imprisonment for debt, which had been so many times the subject of the Governor's condemnation was now abolished. As a state prison was now in course of construction a law was enacted for the government and discipline of its officers and inmates. It provided a set of regulations which insured humane treatment of the prisoners, but made small provision for any of the privileges and amenities now considered a part of prison discipline. The financial stringency had not

yet taken hope of immediate betterment from the people and there were still many seeking charters for varied and pretentious enterprises. Incorporation was granted to the Genesee and Saginaw Navigation Company, whose ambitious purpose was to connect the Flint and Cass Rivers by a canal and thus provide the means of navigation between Flint and Saginaw. Samuel W. Dexter, whose memory still continues as a sound, conservative business man, headed a company that was given corporate powers to construct the Dexter Branch Canal, which was to extend up the valley of the Huron and intersect the Clinton and Kalamazoo Canal in the county of Livingston. Many charters were given to educational institutions. In view of the fact that three-quarters of a century later the beet sugar industry became one of the leading industries of the State, there is more than passing interest in an Act of this session which authorized a loan of $5,000 to the White Pigeon Beet Sugar Company, which was said to be the first institution of its kind in the United States.

The punctilious attention which the legislative committees paid to the petitions and other matters, sometimes trivial, that were referred to them was quite at variance with present-day legislative practice, when petitions and bills are more often referred to committee for burial than for attention. To a petition praying that no trains be allowed to run upon the State roads upon Sunday, the committee responded, "The moral sentiment which it breathes is pure, and it is entitled to the unqualified respect of the Legislature," although the Legislature found no way to comply with the request. Certain citizens of Wayne County petitioned for authority to

construct and operate a race track. This petition was referred to the committee upon agriculture and received the eminently practical reply that, "The universal embarrassment of the country calls for industry and not idleness, for sobriety and not dissipation;" "and it seems," continued the report, "much more desirable that the citizens of Michigan should be engaged in running the plow, than running horses for sport." Petitions signed by 1,354 citizens asking the prohibition of the sale of intoxicating liquors were referred to the committee on State affairs. This committee faced the issue in a lengthy report wherein it accorded to the motives of the petitioners its unqualified respect, but was none the less firmly opposed to any legislation which might go to the extent of prescribing "the length of our coats, the fashion of our whiskers or the temper of our drinks."

The measure of greatest public and legislative interest was as would be expected, the bill for the creation of the State bank. This bill was before the Legislature for many days and was finally passed by a vote of 10 to 2 in the Senate and 40 to 6 in the House. Interest in this measure was unquestionably much increased by the fact that while it was under discussion, on the 25th of February, 1839, The Michigan State Bank, of Detroit, suspended. This bank had been incorporated in 1835, and its organization perfected with $200,000 capital. Its cashier, Mr. John Norton Jr., had been constituted "Fiscal Agent" of the State and the bank became the depository of the State funds which at the time of suspension amounted to more than $500,000,—$350,000 being above all offset claimed by the bank. It subsequently developed that the Governor, in January, learning of the precarious

condition of the bank had obtained from its board of directors a bond for $500,000 for the protection of the State's deposit. The State was ultimately, as were all other creditors, paid in full, but the jeopardy of so large a sum was necessarily the occasion of much well-founded apprehension while it furnished the theme for a considerable political agitation against the administration of State affairs.

For the first few weeks of the session the Democratic-Republican majority in both Houses proceeded without any open rupture but it was soon apparent that there was anything but harmonious relations between certain of the members. This became still more manifest as the time approached for the election of United States Senator to succeed Hon. Lucius Lyon whose term of office expired on the 4th of March 1839. Senator Lyon had rendered service to his State that clearly entitled him to a re-election; but in his official life he had been more inclined to follow his convictions of what he believed to be right than what he might have been persuaded was politic, and moreover he was entirely lacking in the arts of political intrigue. The result was that from the very beginning there was danger that he would fall between those who opposed him for his independence of character on the one hand and those who were ambitious for his place upon the other. The Hon. Warner Wing who, upon failure to be nominated for the office of member of Congress had been nominated and elected to the State Senate, was among the latter. It was upon the 5th of February that the two Houses proceeded to ballot for a United States Senator. In the House the Whig minority stood compactly for Augustus S. Porter of Detroit, while

the majority was split among a half-dozen candidates. In the Senate the vote disclosed even more candidates, with Warner Wing heading the list with five votes to his credit. For two days the balloting continued with varying but undecisive result. On the 8th after many fruitless ballots in which from 3 to 5 Democrats had voted for Mr. John Biddle, the 12th ballot was taken and sufficient Whigs joined with the Democrats to give Mr. Biddle 26 votes to 18 for Warner Wing with 7 for as many more candidates. Mr. Biddle thus stood as the nominee of the House. The prospect of a Whig Senator elected by a Democratic Legislature filled many Democrats with chagrin and apprehension. That the warring Democratic members might adjust their differences with some semblance of privacy, a Democratic caucus was called, and at this gathering Warner Wing was given the majority indorsement. The *Free Press,* the party organ, demanded that all Democrats abide by the party caucus; pressure was applied from many sources, but there was a number of Democrats who refused to be bound by the caucus or to obey the dictates of party leaders. Upon the 13th a ballot in the Senate gave Warner Wing a majority in the body, but not without the assistance of three Whig votes. This action on the part of the Senate brought forth a protest from three Democratic Senators, duly entered upon the journal of that body, and, the day following, a published address to the people of the State signed by 15 Democratic members of the House and Senate setting forth their opposition to the election of Mr. Wing as a member of the National Senate. They based their opposition to the gentleman upon the ground that being a member of the State Senate

he was ineligible under the State Constitution, that instrument providing that no member of the Legislature should be eligible to any civil appointment within the gift of the Legislature of the State. The two Houses, having made nominations, met in joint session on the 14th and proceeded to ballot for a candidate, but after six ballots the joint convention was obliged to adjourn as neither candidate was able to obtain a majority of the joint body. On the 16th of April the Democrats of the House, who were now somewhat chagrined at the senatorial situation, were able to get together and by a vote of 26 to 17 passed a resolution appointing Hon. Alpheus Felch Senator in the Congress of the United States to fill the vacancy occasioned by the expiration of the term of Mr. Lyon. This resolution went to the State Senate where it was promptly amended by a vote of 8 to 7 substituting the name of Warner Wing for that of Alpheus Felch. Upon the resolution being returned to the House its further consideration was indefinitely postponed. This proceeding the party organ now heartily commended, agreeing that if Mr. Wing was to be elected by Whigs he could not be trusted by Democrats.

While the senatorial contest was in progress, a bill was passed the ostensible object of which was to allow settlers who had located upon lands that were subsequently selected for State and University purposes to purchase the same at the regulation price of $1.25 per acre. There is a tradition well verified, to the effect that the real purpose of the bill was to enable a combination of schemers to gain possession and ownership of some of the most valuable lands in the State at a nominal figure. The Governor, ever watchful of the educa-

tional interests of the State, at once discovered the suspicious character of the measure and after an investigation interposed a veto. His message fully justified his action and unquestionably saved to the University a large portion of its endowment as well as other lands that were dedicated to the State for certain specified uses.

The report of John D. Pierce as Superintendent of Public Instruction had again shown him to be a most efficient officer, imbued with the highest ideals and endowed with the clearest of mental vision. To the joint convention of House and Senate assembled to elect a Superintendent of Public Instruction the Governor again sent the name of John D. Pierce and the Convention did him the honor of a well-nigh unanimous vote for re-election. Peter Morey, whose nomination had been rejected by the Senate a year before had nevertheless been kept in office and had rendered good service; his nomination was now sent to the Senate and after a time was confirmed. The new compilation of the laws had made provision for a fourth judicial circuit, and to the judgeship the Governor nominated and the Senate confirmed Charles W. Whipple. The Senate had seemingly shown a disposition to reject a large number of the Governor's appointments without apparently good reason, confirmation being refused in a number of instances to notaries public, masters in chancery, auctioneers and many other minor offices which under the Constitution of 1835 were filled by appointment of the Governor. It may have been because of this temper of the Senate that John Schwarz, who was serving as Adjutant General and Robert Abbott, the Auditor General, who desired to retire from office,

held the same until after the adjournment of the Legislature and then resigned, giving the Governor the opportunity to fill the vacancy. On the 16th of April the Governor appointed Isaac S. Rowland, Captain of the Brady Guards, to the office of Adjutant General. April 27 Peter Desnoyers of Detroit was made State Treasurer, and four days later the late State Treasurer Henry Howard was made Auditor General. The selection of Peter Desnoyers as Treasurer was a highly commendable one as he had demonstrated his fitness and capacity in many positions of trust and honor and had the confidence of all the elements of the Detroit population whose servant he had been.

The Legislature adjourned Saturday, April 20, having by several days exceeded the length of any previous session. Some people, and among them the editor of a denominational paper called *The Michigan Observer* were much scandalized by the fact that upon the last night of the session the members indulged themselves in hilarity unbecoming statesmen and actually prolonged their session, while waiting for the enrollment of bills, into the early hours of the Sabbath morning. Much legislation of a minor but at the same time desirable character had been enacted, but the length of the session, the lack of harmonious action and more than all the failure to choose a United States Senator increased rather than weakened the spirit of disaffection already well developed in the majority party.

CHAPTER XXII

The State Passes to Whig Control

THE Legislature of 1839 had hardly become a reminiscence when the political forces of the State began maneuvering for the third gubernatorial campaign. The financial troubles of the country increased rather than lessened. The people looked to the General Government for relief through the enactment of laws, and were far from satisfied with the statement that the period of disaster which they were passing was the inevitable result of the period of speculation, over-confidence and overtrading that had preceded it. The conditions that were to result in the defeat of Van Buren and the election of Harrison to the Presidency were being felt to the remotest corner of the Nation and were being effectively urged against the men and policies of the majority party everywhere.

The Whig press of Michigan was not slow in discovering the weak places in the opposition armor; "wild cat" banks, the five million dollar loan, and the general administration of State affairs was now made to bear all the burden of the "hard times" and other disturbances that were national in character. The *Loco Foco* was depicted as a partisan whose only zeal was for the destruction of his country and the ruin of his State. The Democratic press replied with invective, retold the story of the Whig party's Federalistic parentage and aristocratic sympathies, and laid the country's ills to the machinations of

the Whigs through the United States Bank, asserting that through the power of wealth they had designed to destroy what they could not rule. The position of the parties made Democrats the defendants, and in politics the cause of a defendant is seldom popular even when the defense is complete.

James Wright Gordon of Marshall had been a popular Whig member of the last succeeding State Senate, and no doubt was the controlling influence with his party organization in the selection of his home town as the meeting place of the Whig State Convention, although the town itself was attracting much attention because of its then rapid growth and bright prospects. Whatever the considerations were, the pioneer Whig politicians demonstrated their loyalty by traveling one hundred and ten strong, to the distant village to participate in their Convention which assembled on the 28th day of August, 1839. The first ballot of the Convention for the nominee for Governor showed 51 votes for William Woodbridge of Detroit, with 59 votes distributed between Augustus S. Porter, Zina Pitcher and John Biddle. Woodbridge had the united support of the delegates from the northern and western portions of the State, and, after the third ballot, was declared the unanimous choice of the Convention. One ballot was all that was required for the selection of James Wright Gordon as the candidate for Lieutenant Governor. George C. Bates, Thomas J. Drake and Daniel S. Bacon were selected as delegates to the Whig National Convention which had already been called to meet at Harrisburg, Pa., for the following December 4. The resolutions put the English language to the test in conveying their disapprobation of opposing

men and measures: "We abominate the sub-treasury system in all its details," was the unique phraseology of one resolution, while another resolution proclaimed that the effort to establish this institution was an attempt to "rivet the chains of despotism upon the American people," which, it was further declared, "cannot and must not be tolerated." The State administration was denounced in the most vigorous style, and most caustic exception was taken to the assumption of the name "Democratic-Republican" by the party of the opposition. "We will not," say the resolutions, "directly or indirectly acquiesce in the assumption by our opponents of a name as dear to us as it is inapplicable to them." Eulogistic reference was made to both candidates named, and Henry Clay was declared to be the great champion of Whig principles and the "favorite of the real Democracy of Michigan," although the party support was pledged to whom ever might be nominated at the Harrisburg Convention. A State organization was effected and the Convention adjourned, the delegates seeking their distant homes by the slow medium of stage-coach and private conveyance.

The Democratic State Convention assembled at Ann Arbor, September 11, 1839, with 145 delegates in attendance. Scenting danger from Whig harmony and activity, the delegates set about the work of the Convention with a unanimity that had for some time been lacking in their councils. The first ballot showed 104 votes for Hon. Elon Farnsworth as the nominee for Governor, while the first ballot for Lieutenant Governor was nearly as decisive for Thomas Fitzgerald, and both were accorded with unanimous indorsement of the Convention. Alpheus

Felch, Kinsley S. Bingham and Elijah B. Mitchell were selected as delegates to the National Convention, which subsequently assembled at Baltimore, May 5, 1840. The resolutions of the Convention, which came from a committee of which Senator Norvell was chairman, disclose the facile style of that cultured gentleman. In language free from offense they extolled the principles of the old time Democratic faith, declared for a strict construction of the Federal Constitution, for the independent treasury, for the restoration of a sound constitutional currency to the country and for a reduction of the public revenue to the wants of the public service. They voiced their party opposition to the National Bank and to the National Government's engaging in schemes of internal improvement. There were well-phrased references to the desirability of light taxation, caution in the creation of public debts and rigid accountability in public office. An appeal was made for "conciliation" and "zealous effort" and a committee instructed to issue an address to the people of Michigan "repelling the misrepresentations and calumnies cast upon Democratic men and measures by the party which acts upon no other principle in common than that of uncompromising hostility to them." The most important feature of the resolutions was their silence on matters of State concern. Neither the Governor nor the State administration received mention, although a majority of the committee who reported the resolutions were at that time or had been members of the State Legislature and as such had participated in the State's legislative program.

The campaign which followed was lacking in some of the more striking details of the campaign of two years

before; but it was not lacking in many elements of absorbing public interest or devoid of those bitter personalities so characteristic of the time. In the nomination of Hon. Elon Farnsworth for Governor, the Democrats had selected a gentleman of the very highest character and best abilities and consequently very little of a personal nature was urged against him, although the fact that he was filling an important position on the State judiciary, a position which he retained during the campaign, was made the subject of extended discussion. Thomas Fitzgerald was a gentleman of equal character, but he had served in the capacity of Banking Commissioner, and this gave the opposition the suggestion for the epithet "The Nurse of the Wild Cats," which they were not slow in applying to him. Neither side escaped the strictures applied both to party principles and to the character of their leaders. The Whigs referred to Governor Mason as a worthy successor to Benedict Arnold and Democrats referred to Woodbridge as "A blue light Connecticut Federalist; a filcher from the U. S. Treasury; a disfranchiser of foreigners and the poor, a tyrant judge and an office seeker in his dotage." But as a practical political asset, the rallying cry of the Whigs was far more effective with the voters of the State than the mutual "compliments" that were bandied between the partisan press and which were unquestionably much discounted by the people at large. From their Convention to the day of election, from the press and from the stump, the Whigs shouted, "Woodbridge, Gordon and Reform." This phrase became the campaign shibboleth of the party and more than a generation later the lingering pioneer recalled these watchwords as the most

distinguishing and magical feature of the canvass. It was a time when for reasons that were logical and for reasons that were fallacious there was potency in the word "Reform." Aside from the considerations that have been mentioned there were other factors that were influential for the popularity of the cry. The temperance question was now beginning one of its periods of ebulition. A petition bearing more than 1,300 names asking the prohibition of the liquor traffic had been presented to the previous Legislature, and on the 26th of September a large and representative convention of temperance workers gathered at Jackson to give stimulus to the cause. Another factor of influence was to be found in the disbanded "Patriots," who could find little to evoke their enthusiasm in either State or National authority. As the campaign progressed, bankruptcy and ruin grew more threatening in proportion as public and private enterprise faltered under the stagnating influence of the continuing financial disturbance. Prices were falling precipitately; wheat that had been selling the previous winter at $1.20 per bushel was now selling at 75 cents and other produce had fallen in proportion. Men who a few months before had yielded to the spell of speculation and who had lent their influence to fatuitous schemes and projects were now awake to real conditions and seeking relief from their own folly.

The Democrats made an active but spiritless campaign and the election resulted, as was not unforeseen, in the choice of William Woodbridge for Governor, by a vote of 19,070 to 17,782 for Elon Farnsworth; and James Wright Gordon for Liteutenant Governor by a vote of 18,871 to 17,512 for Thomas Fitzgerald. The State ticket

likewise carried with it a safe Whig majority in both Houses of the State Legislature and insured a free hand for the mending of conditions and the correction of alleged abuses.

Governor Mason, while taking a keen interest in the outcome of the canvass, was hardly an active participator in it. Following the adjournment of the Legislature, accompanied by his wife he had gone to New York, where, leaving her he had returned to take up the duties of the State Government in an especially trying time. In July he again returned to New York, and in the early days of August communicated to the mother and friends at home the joyous intelligence of the arrival of a lusty baby son who was a few days later christened as Stevens Thomson Mason, the first of the fourth generation to bear the name.

A short time later the Governor reluctantly bid loved ones adieu and retraced his steps to Detroit where important duties awaited his coming. The protracted financial stress upon the country had begun to occasion the Governor some uneasiness as to the institutions to which the five million of bonds of the State had been intrusted and upon the solvency of which depended the prompt payment of the future installments of the loan. His apprehensions were in a measure confirmed by intimations from high officials in the institutions with which the State had contracted; and shortly following his return he placed such information as he had received as well as the substance of his fears before the proper State officers and a select few of the gentlemen of Detroit of financial reputation, and sought their counsel as to the course that should be pursued to best serve the interest of the

State. The result was that Mr. Kintzing Pritchette, who was about to visit Philadelphia was commissioned by the Governor to treat with The Morris Canal and Banking Company and The Bank of the United States of Pennsylvania for the abrogation of the terms of the contract by which they had become possessed of the bonds of the State so that the State might obtain a return of the bonds which were to be paid for by the installments falling due after January 1, 1840, the State and the two banking institutions to be thereby placed in their original positions so far as about two and one-half million of bonds was concerned.

In the details of the transactions connected with the five million dollar loan no action of Governor Mason evinces a more zealous regard for the interests of the State than his effort at this time to obtain the return, without loss to the State, of the obligations for which she had not yet received consideration. Had the Governor's efforts been supplemented by wise legislative action instead of a program of partisan politics there is good reason to believe that the State would have been the gainer by many thousands of dollars, and the story of the five million dollar loan would have had a very different sequel than was given by the sequence of events.

It was at this time, while the Governor was facing the most perplexing problems and bearing the most trying burdens of his administration, that he was visited with the most pungent sorrow of his life. The father had for long months been absent on one of his numerous journeys to Mexico and Texas and was expected soon to return. In early Autumn the mother had repaired to New York to welcome him and accompany him to Mich-

igan. It was while here on the 24th of November almost without warning that she was stricken in death. She had ever been her son's most loyal counselor and truest friend, and he had repaid her with the deepest affection of his ardent nature. Her death was to him a deep and lasting sorrow.

The fifth Legislature assembled on the 6th day of January, 1840, with a Whig majority of twenty-one in the House and four in the Senate. On the first day of the session as Lieutenant Governor Mundy was leaving the capitol at the noon recess he was viciously assaulted by Col. Edward Brooks of Detroit, whom the Democratic press referred to as a "Whig leader." This incident while universally condemned was the occasion of extended comment and gave the Democratic papers the opportunity of prefacing the announcement of the opening of the new administration as the commencement of "The Reign of Terror."

The House organized by the election of Henry Acker of Jackson as speaker and Mark Howard of Washtenaw as clerk. The Democratic vote was cast for Robert McClelland for speaker and for Elijah J. Roberts for clerk. In the Senate Daniel W. Kellogg of Washtenaw was chosen secretary over Samuel Yorke At Lee of Kalamazoo, the Democratic candidate.

As it was then, as now, the custom in many States for the outgoing Governor to send a retiring or exaugural message to the Legislature, Governor-elect Woodbridge expressed to Governor Mason the propriety of his sending such a message to the Michigan Legislature, a proposition with which Governor Mason after some reflection fully agreed. He at once prepared a message, uncon-

scious that it was to be the occasion of his own humiliation.

The message disclosed the Governor's clear comprehensive grasp of State affairs; it did not seek to minimize the conditions of distress under which public and private enterprise was laboring, nor did he seek through it to absolve himself from his just share in whatever criticism might be placed upon the mistakes and failures of the preceding years. It breathed the most kindly and tolerant spirit and conveyed information and suggestions of much practical value. The question of taxation and the necessity of retrenchment in both appropriations and general expenditures were extensively treated. The public temper which led to the inauguration of the extensive system of internal improvements was clearly set forth; the progress and expenditures they had entailed were reviewed and the necessity for suspension of work upon some of the projects was clearly foreshadowed. The Geological Survey, the State Penitentiary, the State Militia and the questions involved in the currency, the suspension of specie payment and the banks were all carefully considered. His enthusiasm kindled in the cause of education; and in the university he saw an institution in which was to be "realized their highest expectations" and which was in time to "prove an honor and blessing to the State." While the message could not tender congratulations for prosperity then enjoyed it had in it the ring of hope and courage. "If there is one duty from us, higher than another," said he, "it is to assert and defend the youthful fame of our rising commonwealth. When she is charged with want of resources, point to her fertile fields and abundant harvests; when

she is thought to be broken in spirit, look to the energy of her army of husbandmen, and when she is said to be burdened with taxation, refer to your statute books, and ask how limited is her taxation compared to that of neighboring and sister States.'' In the concluding paragraph of the message there was a touch of pathos and kindly reference to his successor that is worthy of repetition, as it should have insured for his communication at least the generous courtesy of its reception. Said he, ''My official relations with you, fellow citizens, now terminate, and it only remains for me to take my respectful leave. On reviewing the period of my connection with the executive branch of the government of Michigan I find much both of pleasure and of pain,—pleasure derived from the recollection of the generous confidence reposed in me by my fellow citizens and pain for the many unkind emotions to which my position has given rise. But seeking in private life that tranquility and good will heretofore denied me, I part from official station without one sigh of regret. I shall cling to every recollection making a claim upon my gratitude or service, and endeavor to forget the painful occurrences of the past. I cannot be insensible to the many errors I may have committed. But I derive consolation from the reflection that they will be amply repaired by the service of one whose experience is acknowledged, whose ability is known and whose patriotism is unquestioned. Identified with the early history of Michigan as a State, she shall have, wheresoever the vicissitudes of life may place me, my earnest and continued desire for her prosperity and welfare, and my anxious and fervent prayer that he who holds in his hands the fate of nations and the destinies

of men will bestow upon her every blessing a free and enlightened people can desire."

It was hardly to be expected that a communication so void of all that might be occasion for offense would be received with contumely or disrespect, but the virus of bitter partisanship was still active and the Whig majority was still exultant if not arrogant in their victory. The message had been given to the papers for publication in anticipation of its delivery at the opening of the session, but upon presentation to the Legislature it was denied acceptance, treated with resolutions of ridicule and sarcasm and denied a place in the records of the State.

On the 7th Governor Woodbridge delivered a short inaugural, and on the day following sent in his message. It was a document conservative in tone but advancing very few specific recommendations. Attention was called to the State's inadequate representation in the National House of Representatives, and legislation recommended which would make provision for the election of a United States Senator to fill the vacancy that then existed. Economy and retrenchment were urged in general terms. The system of internal improvement was given extended notice, although the gist of both discussion and conclusion upon the subject was contained in almost the opening paragraph, in which he said: "This scheme, so bold in its conception, so splendid in its design, so captivating to a fervid imagination, but yet so disproportionate to our present local wants, and so utterly beyond our present means, must, I fear, as a whole at least, be given up." The currency and banking situation was likewise extendedly discussed, but more in retrospect than in

prospect, the only direct recommendation upon the subject being, that representation of the views of the legislature be made to the National Congress, who had brought about the whole difficulty "by not letting well enough alone." A hint was given that State relief might be obtained by hypothecating the accruing installments of the five million dollar loan and using the proceeds as the basis for an increase in the issue of one or both of the remaining Detroit banks (The Bank of Michigan and The Farmers' and Mechanics' Bank).

The action of the Legislature in refusing to receive the message of the retiring Governor at once became a political incident of the first magnitude. The Whig press promptly characterized the action of Governor Mason as one of gross impropriety, while the Democratic press published the message in full, and in Michigan and adjoining States used the fact of its rejection as an example of Whig intolerance.

It was very soon apparent that Governor Woodbridge much preferred that his predecessor should suffer the humiliation of the position than to take any embarrassment to himself and others by a generous avowal of his own part in the transaction. As a statement had been published in the Detroit *Advertiser* to the effect that in sending a message to the Legislature Governor Mason did not have the concurrence of Governor Woodbridge, Governor Mason addressed a letter to that gentleman requesting a statement from him as to the truth or falsity of the newspaper item. Interviews and much correspondence followed which finally reached the public prints to still further increase the public interest and discussion; but Governor Woodbridge never came much nearer to a

direct answer of the question propounded to him by Governor Mason than to say to him, "I am incapable of the intention to do you injustice or to evince towards you other than that courtesy which I have ever received from you."

The first law to be passed by the Legislature was one to provide for the election of a United States Senator. Two days following the approval of the bill, Augustus S. Porter of Detroit was given the united Whig vote in both House and Senate, and in joint convention was later declared elected to the Senate of the United States. Thomas Rowland was likewise elected Secretary of State, Robert Stuart State Treasurer, Eurotas P. Hastings Auditor General, the State Treasurer and Auditor General being elected to fill vacancies which the Governor by a rather abstruse course of reasoning had found to exist.

The most of the legislation of the session was of a minor character. The most important action taken was the reorganization of the Board of Internal Improvement and the passage of the resolution suspending the letting of any new contracts or the reletting of any old contracts on any of the works of internal improvement. Another measure well calculated to create a considerable public discussion was a law authorizing the Auditor General to sell to the Bank of Michigan and the Farmers' and Mechanics' Bank, certain of the installments of the five million dollar loan. The law was enacted by practically a unanimous party vote and must have been designed to give assistance to the banks as well as advantage to the public. The advantage to the banks came through the fourth section of the law, which provided that no

proceeding should be brought to forfeit the charter or wind up the affairs of either bank until the first Monday of February following, nor during the same time could they be required to pay their notes in specie. As Mr. Charles C. Trowbridge was president of the Bank of Michigan and Levi Cook was president of the Farmers' and Mechanics', and both influential in Whig politics, the things that were said by Democrats about the law can be well imagined; but as the Morris Canal and Banking Company and the Bank of the United States of Pennsylvania soon thereafter suspended payment upon accruing installments there was little left to protest against.

At this session thirty-two counties in the northern portion of the Lower Peninsula were organized, twenty-nine of them were given the sonorous Indian names taken from the language of the tribes who had once roamed within their limits. In 1843 some sixteen of these were changed to names drawn largely from the Emerald Isle, so that Kaykakee, Negwegon, Wabassee, Anamickee, Meegisee and many other beautiful and appropriate names were lost to the nomenclature of Michigan. This session likewise marked the incorporation of the Lake Superior Fishing and Mining Company, the pioneer company in the development of the wonderful region of the Upper Peninsula. The session adjourned April 1, the majority of the Legislature having demonstrated that it was much easier to criticize evils than to cure them through constructive legislation.

What was intended to be the political sensation of the session was the report of a committee in the Senate of which Mr. DeGarmo Jones was chairman pretending

to find most suspicious circumstances connected with the efforts of Governor Mason and Kintzing Pritchette for the return of a portion of the bonds of the five million dollar loan, to which attention has been already called. Upon the return of Mr. Pritchette from New York with copies of the correspondence that had passed between himself and the parties representing The Morris Canal and Banking Company and The United States Bank of Pennsylvania, ex-Governor Mason at once wrote to Mr. Hastings, the Auditor General, apprising him of the fact that in the later days of his administration, to use the language of his letter, "feeling a deep apprehension that loss might occur to the State from its sale of five million of bonds to the Bank of the United States and the Morris Canal and Banking Company in consequence of the unprecedented depression in the money market," which, he adds, "these institutions have felt severely," he had intrusted a negotiation to Kintzing Pritchette to obtain the return to the State of two and one-half million of bonds. The letter further expressed regret that the correspondence had not been at hand so that it could have been placed before the Legislature at the commencement of the session. Governor Woodbridge, as soon as the communication was called to his attention by the Auditor General, sent a message to the Legislature asking the appointment of a committee to treat with the Morris Canal and Banking Company for the modification or abrogation of its contract. He ignored Governor Mason in the matter and treated the information as having been received direct from the Morris Canal and Banking Company. The committee which was appointed, instead of taking up and endeavoring to bring

to a successful issue the negotiations which Mr. Pritchette had instituted and carried to a point where there was reasonable prospect that success might be attained, proceeded to search for something that would support the charge that both Governor Mason and Mr. Pritchette had been actuated in their negotiations by some sinister and ulterior purpose. On March 10 the majority report of the committee was submitted to the Senate. An effort to have twice the usual number of the report printed failed, but it disclosed the real purpose. The report instead of disclosing that the whole matter had been brought to the attention of the Senate through a communicaion from Governor Mason and that all the correspondence had been turned over as a part of the communication, gave rather the impression that the whole matter had been unearthed through the diligence and astuteness of the committee. Needless to say the majority of the committee in a long and labored document were able to report among other things that, "had the Act been consummated at the time and in the manner proposed it must have been entirely *illegal, a daring fraud* upon the interests of the State, highly discreditable to all parties concerned," and also, "had the Act been completed, the stigma of violated faith, must ere this, have been indelibly fixed upon our escutcheon and the credit of the State irretrievably gone." There is a certain humor in this language when taken in connection with the fact, that in less than thirty days the institutions holding the bonds defaulted in their payment and the bonds upon which they had made no payments were gone beyond the possibility of recovery by the State. Samuel Etheridge of Coldwater was the minority of the committee and was

well capable of setting forth his views of the matter, but there is reason to believe from some of the language employed, that the minority report which he filed had at least been seen by Governor Mason. It too was a lengthy document, intended in a measure for political consumption. Two paragraphs of it are worthy of reproduction, for they disclose the motive which prompted Governor Mason's efforts, and his views of the motives of those who were now traducing him.

Said the minority report: "Should the purchasers of the State bonds fail to meet their engagements with the State, it is difficult to imagine an occurrence fraught with the consequences more fatal to the future prosperity of Michigan. Burdened with the interest on five million of dollars for twenty years and the principal at the expiration of that period, without having received but little more than two million of that amount, is a picture calculated to startle the boldest. Had such a catastrophe occurred, as there was every prospect, without any effort to prevent it, when would the sound of the clamor have ceased against the Executive for his culpable remissness in neglecting the most vigorous measures to save the State." The catastrophe which the Governor feared in fact happened, fortunately less direful in its results than feared; but the sound of clamor against the Executive who made the only effort to avert it that was made, did not cease until another generation was active in the affairs of Michigan. On the second proposition the report said: "No effort has been spared to place the monetary affairs of our State before the world in their worst possible form. These constant and clamorous assertions of the absolutely desperate condition of Mich-

igan, is everywhere producing the most disastrous effects, and in the end, these predictions of ruin will bring about their own fulfillment. No motive appears strong enough to prevent every thing from being dragged into the political arena. Every good custom and well established principle vanishes before the demand for political capital. No art is too low, no tongue too base to be used in trumpeting to the world everything which seems calculated to ruin the credit of the State abroad and depress her interests at home, provided that a political object can be obtained."

The Whig press exhausted its vocabulary in its effort to show the "degradation" from which the State had been saved with many an assurance that it had been rescued none too soon. To the mock sensation and the bitter personal attacks upon him Governor Mason made no reply, although Mr. Pritchette who was later made the subject of a second report because he had called attention to the fact that a material part of his correspondence had been omitted from the first report, answered his accusers through the medium of a formal address to the people of the State.

With the adjournment of the Legislature Governor Mason was given a respite from political attack; for political forces were already marshaled for the memorable campaign of "Tippecanoe and Tyler too" which for a season was to absorb attention as never did any other political campaign in the history of the State.

CHAPTER XXIII

"Tippecanoe and Tyler Too"

THE lesson of the defeat administered to the Democratic-Republican party at the election of 1839 was not lost upon its leaders. The superior organization and activity of the Whigs had shown Democrats that these factors could not be compensated by confidence in their own party strength. The warring factions were very soon conscious that actual defeat and divorce from official station which each had planned for the other, was a very different matter when the plans of both had succeeded. The Whig National Convention had nominated William Henry Harrison for the presidency, John Tyler, a Calhoun Democrat for the Vice Presidency and adjourned without adopting a platform so that every divergent political element might be combined against the Democratic opposition. Harrison had always enjoyed a high degree of popularity in Michigan, for his official stations as Governor of Indiana and commanding general of the northwestern army in the War of 1812 had brought him into closer relations and personal acquaintance with many of the older inhabitants. His candidacy increased the possibilities of the Whigs again carrying Michigan, which meant the election of a Whig member of Congress, and a Whig successor of Senator John Norvell by the Legislature of 1841. These possibilities, not to mention the loss of county offices and other positions, were most efficient factors in the promotion of Democratic harmony.

The Legislature of 1840 was hardly under way before means were being taken for the gathering of the convention of the Democratic-Republican party at Detroit for the sole and only purpose of bringing the leaders together and promoting the enthusiasm of the members. The Convention was called for the 22nd of February, and on that day convened with a large and representative delegation in attendance. Hon. Lucius Lyon was honored by being selected to preside, and the usual quota of "Resolves" were soon prepared and adopted. The resolutions covered the whole range of State and National issues, but perhaps the one most expressive of hope was the one which affirmed that "we have no reason to believe that our State has deserted her Republican creed and gone over permanently to our Federal opponents," a conviction being likewise expressed to the effect that "the sober second thought will the ensuing fall marshal her again side by side with her sister States in the rank of Democracy." The afternoon and evening were devoted to speech making by the old-time Democratic orators, upon the fervor of whose utterances their partisans hung with never tiring interest. Governor Mason was among the number who were paid especial honor.

On the same day the Whigs assembled in convention at Ann Arbor for the purpose of putting in nomination candidates for presidential electors. Thomas J. Drake, John VanFossen and Hezekiah G. Wells were duly nominated and the proprieties and festivities of the occasion duly observed. This gathering was succeeded by one a week later at "Uncle Ben" Woodworth's Hotel where in wine and eloquence they ratified the nomination of Gen. Harrison, as well as that of Dr. Zina Pitcher for

Mayor of the city, the commonalty having first been served with resolutions at the City Hall. This was an event given public designation as a "grand fete," its primary purpose being to stimulate enthusiasm for the city election of the following Monday, March 3, an event that was looked upon as second only to the State election. The throng that attended, the grandiloquent toasts that were proposed and drunk left little to be desired for the occasion, but the oratory must have lacked in efficacy, for the day following the election, hand bills were upon the streets announcing a "Great Democratic Jubilee" for the evening, the Democrats having carried the city, the Mayor excepted, Dr. Pitcher being elected by a majority of eight votes.

Stevens T. Mason was still the *beau ideal* of the young Democracy. The criticism that had been visited upon him by political antagonists had not served to lessen the loyalty of his many friends, for in the frank and unaffected democracy of his nature, the spirit with which he resisted attack and the natural urbanity of his manner there was that which typified the sentiment of his time. Following his retirement from office he had formed a copartnership with Kintzing Pritchette and opened an office for the practice of his profession under the firm name of Mason & Pritchette. This step was taken by the governor with a determined purpose to apply himself to the mastery of legal principles and with no design to continue a factor in the official politics of the State; but he had been too long and too intimately connected with its history to easily resist the importunities of those who had been his supporters and defenders. On the evening of the "Democratic Jubilee" a vociferous

crowd filled the City Hall to overflowing. The meeting was no sooner organized than there was a shout of "Mason! Mason! Mason!" The ovation which greeted his arrival and subsequent address showed that he still had a place in the hearts of the people. Filled with enthusiasm the partisans of the meeting were inclined to continue their exultations, and adjourned the meeting to the following Saturday evening when Governor Mason was again forced to become the principal speaker of the evening. The campaign of "Tippecanoe and Tyler too" was now on, and Governor Mason whether he willed it or not was to be a conspicuous figure on the hustings.

The Democrats had been quite universally successful at the April elections and looked forward with rising hopes for the Autumn contest. Writing to a Kentucky friend Governor Mason said: "Tell Judge Hickey he shall hear a good account from Michigan in November, that we have beaten the Federalists at all the April elections, and that even the potent charms of 'Log Cabin and hard cider,' 'gingerbread generals and small beer' cannot redeem their sinking cause;" but events were to prove that the Governor had under estimated the potency of log cabins and hard cider. By the Fourth of July there was scarce a town where a log cabin had not been erected to serve as the Whig headquarters. The one at Detroit was located at the northeast corner of Jefferson Avenue and Randolph Street. For days the Whig patriots assisted in drawing the logs from the adjacent forest and fitting them for the building. On April 15 a large crowd assembled for the "raising" and before nightfall they had reared a structure forty by fifty feet in dimensions, a bottle of hard cider having been placed beneath each of

its four corners as one of the important parts of the ceremony. The cabin was profusely decorated with articles tacked to its sides or suspended from the rafters suggestive of pioneer life. A live bear and a few stuffed owls, wild cats and raccoons were added by way of attractions and a crude chandelier formed from the roots of a small tree bearing many tallow candles was suspended from the roof and in the evening furnished the principal illumination of the room. The dedication, which was set for the 21st of April, was a very important affair. Due notice of the event had been given in the *Advertiser*, and the ladies had been called upon to furnish for the occasion "cornbread and such other log cabin fare as their kind hearts and ingenuity may dictate." Needless to say they responded liberally to the call and at the appointed hour had loaded the tables about the cabin sides with johnny-cake, pork and beans and the substantial fare of pioneer Michigan. A large crowd gathered and in the fitful glare of the tallow dip listened to the oration of the occasion, dispatched the provisions provided and concluded the festivities with many a toast drunk with hard cider. From this time forward to election the political rally was the order of the day, the Whigs meeting regularly at the Cabin and the Democrats at the City Hall. At the meeting of the "Democratic Association" as the city club of the Democratic party was called, Governor Mason was upon many occasions the speaker pressed into service, the newspapers having preserved the records that he was "greeted with that heartfelt and peculiar enthusiasm which always attends his appearance."

A letter from Governor Mason to his sister Laura at

this time is expressive of the Governor's activities, of public conditions and affords a glimpse of some of the personal qualities that were distinguishing features of his nature.

"For the winter," reads the letter, "I have endeavored to confine myself to the quiet routine of an attorney's life, but as might have been expected, all my efforts have failed, I had hoped when retiring from public life, I might have some respite from the toils of politics, but find myself as deep in the game as ever; so, that with the divided allegiance, between law office and political speech making I am more occupied than ever." Adverting to public conditions he proceeded to say, "You will find Detroit sadly changed. The bubble of false prosperity has burst from under us and we are down again to the realities of earth. The streets every day look like Sunday, and in every direction you hear nothing but the croakings of hard times; but we may extract a jewel from the uses of adversity, and will learn wisdom enough to last us in after life." He proceeds to more intimate personal matters and does not omit to sing a proud father's praise of a baby son. Says he, "You have yet to see *your nephew* whose praises have been so often recorded. He may be considered the greatest prodigy of the age; and although I say it, he is the most beautiful and intelligent youngster in the Republic. In a few days he mounts his short dresses—the first great epoch in his onward march to manhood. I shall turn him over to you and Emily, when you arrive, and rest assured, you'll have your hands full, for he is already the very personification of mischief." The sister Kate had now become Mrs. Isaac S. Rowland, and there is much of human interest in

the brief statement of the Governor that her home "is on Woodward Avenue, and although not very extensive, is all sufficient to answer her wants." "In fact," he concludes, "a peasant's cot has to her all the charms of a palace."

It is quite evident that the Sunday aspect of Detroit of which the letter makes mention was subject to some very marked exceptions, although be it said, they were mostly political in character. On June 11, 1840, an immense gathering of Whigs was convened at Fort Meigs on the rapids of the Maumee, the scene of one of Harrison's military exploits in the War of 1812. General Harrison and other gentlemen of national prominence were present. Speeches were made by the leaders of the Whig party; a sham battle was fought and the occasion made in every respect the most important political gathering that had ever assembled in the West. Delegations to the celebration from Michigan came to Detroit from every part of the State. They were entertained with free lunch at the Cabin; the people were out in mass, and with flying banners and beating drums they marched to the wharf where five steamboats were loaded with the enthusiastic political pilgrims.

Two weeks later, on June 24, the Democratic-Republicans journeyed to Marshall to participate in a State Convention to nominate presidential electors and a candidate for member of Congress. Jonathan Kearsley of Detroit was made president of the Convention, which promptly set about its labors. The balloting showed that Hon. Isaac E. Crary still had a very respectable following; but on the fourth ballot the nomination for member of Congress went to Alpheus Felch, then of Monroe.

Charles Moran of Wayne, Kinsley S. Bingham of Livingston and Charles E. Stuart of Kalamazoo were named as electors. The National Democratic-Republican Convention which had assembled at Baltimore, Md. May 5, had renominated Martin Van Buren for the Presidency, but had referred the nomination for Vice President to the several States. The Marshall Convention was therefore unique, in that it was the only one in the history of the State to participate as such in the nomination of a candidate upon the national ticket, which it did by the unanimous adoption of the following resolution:

"Resolved, that reposing full and undiminished confidence in the talents, integrity and Democratic principles of Richard M. Johnson, we do hereby nominate him for a re-election on the part of the Democracy of the State of Michigan."

Various committees were selected, the two most important being a State Central Committee of seven and a committee of like number charged with issuing an address to the people of the State. Governor Mason was made a member of each committee. The dedication of Whig log cabins and counted Democratic demonstrations were now the chief diversion of the people. The Whig Convention for the nomination of a candidate for member of Congress was convened at Jackson on September 10, 1840; John Biddle was chosen to preside, and four ballots taken before a majority was secured for Jacob M. Howard who was then declared the nominee. The resolutions referred almost exclusively to national affairs, with apt quotations from Thomas Jefferson, designed no doubt to show that they were the true followers of his creed.

During the campaign Vice President Johnson made a

tour of several of the States and Detroit was included in the itinerary. For weeks before, Democrats looked forward to the event, and elaborate preparations were made for the entertainment of the old hero who nearly twenty-six years before had been the most prominent figure in the battle of the Thames. The celebration was planned for the 28th of September, and on that day an immense throng gathered at Detroit to welcome the distinguished guest. Just before noon the steamer Gen. Scott arrived with Col. Johnson and his suite aboard. From the wharf the party were escorted to a stand erected for the occasion before the National Hotel. Here Governor Mason delivered an address of welcome on behalf of the Democracy of the State, to which responses were made by various members of the party. On the Cass farm a barbecue of extensive proportions was served to the assembled multitude, and there in the afternoon the addresses of the day were delivered, the principal speeches being made by Col. Johnson and Congressman Steenrod of Virginia. The Vice-Presidential party took its departure for Ann Arbor the day following and later for Adrian, holding a large meeting at each of these places as well as at some of the points intervening. While Democrats were thus exulting, the Whigs were planning a counter demonstration to be held at Detroit two days later. Stimulated by the success of the Johnson meeting, couriers scattered hand bills through the adjacent counties urging every Whig to action. The meeting had been previously advertised and with the early dawn of September 30 the whole country-side was journeying toward Detroit. One hundred and three wagons bearing a delegation of six hundred came from Farmington alone. The Dearborn dele-

gation arrived in a mounted log cabin drawn by twenty yoke of oxen. Plymouth, Livonia and other nearby hamlets sent in monster companies in unique and nondescript conveyances. It was estimated that fifteen thousand people were in attendance before evening. Every delegation brought additions to the food supply, which was deposited upon long tables in Williams & Wilson's warehouse to be later doled out to every applicant. An immense procession was the feature of the day and in the evening large meetings were addressed at the Capitol, City Hall, log cabin and a large warehouse hastily made ready for the occasion.

The Democrats made a spirited campaign, but there was that in the times and in the magic of "Old Tip," log cabins, coon skins and hard cider that appealed to the pioneer enthusiasm of the West and that could not be overcome. The election was a victory for Harrison and Tyler in both State and Nation. They carried the State by a vote of 22,933 to 21,096 the greater portion of the Whig majority being furnished by the counties of Washtenaw, Jackson, Lenawee and Kalamazoo. Harrison's vote likewise insured the election of Jacob M. Howard as member of Congress, but by the reduced vote of 22,759 to 21,464. The Legislature which the year before had been overwhelmingly Whig was now dangerously near a tie. This result seems to have been anticipated, for at the conclusion of the voting in Hamtramck Township where Democratic majorities of from 126 to 130 were given to all other candidates, the Democratic guardian of the ballot box containing the ballots cast for members of the Legislature, was filled with strong drink through the hospitality of a Whig friend, and when he

recovered consciousness it was without knowledge of what had become of the ballot box or its contents. Without the vote of Hamtramck, six Whig members of the legislature were elected from Wayne county, with the vote of Hamtramck there was every reason to believe that six Democrats had been elected. The canvassers gave certificates to neither set of candidates but returned the fact to the Legislature. The Democrats sought upon the assembling of the Legislature for the immediate passage of a law calling the new and immediate election for Wayne County, but the Whigs did not propose to exchange a certainty for an uncertainty, and by a vote of 22 to 21 seated the Whig claimants, thus insuring a free hand in their legislative program. The Democrats entered solemn protest, the press fulminated and criminal proceedings were pressed; but the Whigs held their seats and the only man to suffer was the poor custodian of the ballot box who had partaken of Whig hospitality.

The Legislature assembled at Detroit for the commencement of the sixth Legislative session on January 4, 1841. Owing to the contest in the House that body did not proceed to organize by the election of a speaker until January 6, at which time Philo C. Fuller of Adrian was selected, he having been elected *pro tempore* on the first assembling of the Legislature. On January 7 Governor Woodbridge delivered his message, a lengthy document which entered into the details of many matters of minor importance and into others that were wholly of national concern. The report of the Commissioners of Internal Improvement disclosed that on November 23 previous, cars had commenced running upon the Southern road from Monroe to Adrian and the Central had progressed

to within four miles of Dexter, with a considerable amount of construction done between that point and Jackson. An effort to remove a quantity of railroad iron from Monroe for the completion of the line into Dexter had been met with open hostility upon the part of the "Independent State," as Monroe came to be designated, and the commissioners were forced to retreat or become parties to a breach of the peace. The Clinton and Kalamazoo Canal was reported as approaching completion between Frederick and Rochester, and both the Grand and St. Joseph Rivers were mentioned as worthy of further appropriations. While the reports in no place recommend that any particular work be cast off, there was plain intimation that the condition of the State's finances made it imperative that some one or more of the projects be selected to receive such aid as the State in its crippled condition would be able to bestow. The Legislature, however, found it quite as difficult to let go, as their predecessors had to limit the objects of State aid, although there were evidences that the Central and Southern roads would be the final projects to which the State would confine its efforts. Construction upon the first was authorized to Kalamazoo and upon the second to Hillsdale. The Northern road was given an appropriation of $30,000 for the purpose of converting it into a wagon road. The appropriation to the Saginaw Canal was withdrawn, and $5,000 ordered to be expended upon the Saginaw turnpike. Twenty-five thousand dollars was given to the Clinton and Kalamazoo Canal and some small unexpended appropriations ordered spent upon the Kalamazoo and St. Joseph Rivers. The Legislature was still willing to assist in the development of the salt indus-

try, and for the first time in the history of the State gave attention to the possible production of copper, through a resolution looking to congressional action encouraging the collection and dissemination of knowledge relating to mining and smelting of copper ores.

The finances of the State were still in a chaotic condition; taxes were unpaid and the only source of payment for a considerable portion of the general expenses of the State as well as interest upon the loans was by discounting the dubious prospects on the five million dollar loan. Again the Legislature provided for the suspension of specie payment as well as special protection to the Bank of Michigan and the Farmers' and Mechanics Bank, an Act that was far from popular with the people, who were beginning to say, "It is time for the banks to pay up or wind up."

In the senatorial contest the Democrats demonstrated that they could unite much better in defeat than in victory. The great majority of the Whigs in both House and Senate were loyal supporters of James Wright Gordon, the Lieutenant Governor, for the senatorship. There is a tradition, attested by the reminiscence of many an old politician that James Wright Gordon was the clear choice of the senatorial caucus of his party, and that in the late hours of night as in wine and flow of soul he celebrated his prospective honors with his loyal friends, the Democrats sealed a compact for his defeat with a half dozen Whig malcontents. Gordon was promptly nominated in the Senate by the unanimous Whig vote of eleven. But in the House he could never command the vote of more than twenty. On February 3, the two Houses met in joint session and the Democrats cast their united support for

their old enemy Governor William Woodbridge, who was elected by the help of the few Whigs who had deserted their own party choice. The generous encomium which the *Free Press* passed upon Governor Woodbridge after his election was in marked contrast to the expressed sentiments of former days and tended more to exasperate the Whigs than the defeat of their candidate. The *Advertiser* undoubtedly diagnosed the situation correctly when it observed that "the motive of the minority is sufficiently obvious, first to excite personal heartburnings and secondly to excite the westerly portion of the State against the easterly portion by concentrating all the important offices at Detroit.

It certainly amounted to a concentration, for Governor Woodbridge continued to exercise the duties of the governorship until about the time he took up the duties of United States Senator, March 4. Upon the retirement of Governor Woodbridge, James Wright Gordon by virtue of his office as Lieutenant Governor became the Acting Governor of the State, a position he continued to hold until the expiration of the term. The Whigs, however, were not to let the session pass without an effort at the accomplishment of something that would serve the purpose of political capital. The five million dollar loan which had served so long the purposes of political "thunder" was to be the third time investigated and made to furnish a sensation of most astounding character. The Legislature of 1840, refusing to avail itself of the negotiations introduced by Governor Mason and conducted by Mr. Pritchette, had sought rather to grant new powers to Robert Stuart, the new State Treasurer, to open negotiations for security for the unpaid installments upon

the loan. On January 14, 1841, Governor Woodbridge submitted a message to the Legislature accompanied by the report of the treasurer, to which was appended an extended document in the form of a bill in chancery on the part of the State of Michigan against The Morris Canal and Banking Company and addressed to the Chancellor of the State of New Jersey. No case of the nature indicated by the bill seems to have been instituted in the Chancellor's Court of New Jersey and just the purpose of the document is not clear. If designed to blacken the character of Governor Mason, it was most skillfully adapted to the purpose. The message and accompanying documents, upon being referred to the finance committee of the Senate, of which DeGarmo Jones of Detroit and James M. Edmonds of Ypsilanti were the controlling members, was at once made the subject of a most mysterious investigation. Governor Mason was at the time in the East, his time being occupied in the cities of Washington, Baltimore and New York. As it was known that he was not to return until after the opening of navigation in the Spring, some of his friends sought to protect his interests before the committee but were refused the privilege. Benj. F. H. Witherell, a prominent attorney of Detroit and at that time a member of the State Senate, at once volunteered his services in Governor Mason's behalf, and upon being refused the right of producing or cross-examining witnesses before the committee he took the matter to the floor of the Senate, where by a party vote he was again refused and Governor Mason, although his reputation was to be blackened and his character aspersed was refused the privilege of a hearing or defense. The malicious product of this

"investigation" was in keeping with the spirit that had been exhibited by the committee and the majority that had supported it. The report was filed on the 27th of March 1841. Upon the testimony of Theodore Romeyn, who seems to have been willing to admit his own want of honor that he might assist in besmirching the reputation of Governor Mason, the committee based their charges and insinuations against the Governor of peculation and corruption. Before the committee of 1839, Mr. Romeyn had testified *"I have never directly or indirectly drawn any money from the State for my own purposes, neither have I received from Governor Mason any accommodations or advances."* This solemn statement seems to have in no manner interfered with his making claim before the committee of 1841 to the effect that he and Governor Mason had sought and had derived financial profit from the State's loan.

Governor Mason and family returned to Detroit in the early spring, but not before he had received a letter from Mr. Romeyn saying among other things, "I think if I could see you in person that we could arrange answers that would be more satisfactory than if published without consultation." This letter brought from the Governor a most stinging rebuke. As soon as possible after his return the governor set about the preparation of his defense to the slander which the committee had under cover of its official position passed against him. On May 11 he issued an address to The People of Michigan, in the form of a pamphlet of some forty pages. Against the men who had so persistently and maliciously pursued him it was a forceful and bitter arraignment. He speaks of them as "Assassins of private character" who had

found encouragement to do their office upon his name before he could return among them. The story of Robert Stuart as contained in the bill of complaint he dismissed with the statement that "nothing could be more false." Of DeGarmo Jones and James M. Edmunds of the Senate committee he speaks as "my violent personal and political enemies" as searching for "pliant instruments to aid their work of infamy" and as having found them in "the one a starveling refugee from abroad and the other an *unacquitted felon* of this city." "Such," he concluded, "were the instruments chosen by the committee to blacken my reputation during my absence from the State."

The charges themselves were answered in a patient, clear and explicit manner. In nearly every instance he fortified his own claim by reference to unquestioned documentary proof. In the conclusion of this somewhat unusual document the Governor said: "I have thus, fellow citizens, endeavored to place before you a full answer to all the accusations preferred against me by the committee. Whilst I am free to acknowledge that there is no external reward so dear to me as the good opinion of my fellow citizens, even to secure that reward I would not mistake the grounds of my defense. I act as a private citizen unjustly and ruthlessly assailed. Circumstances render it probable that I shall never again be a candidate for your suffrages. I have therefore no political purpose to effect. I strike in defense of my name and all that is dear to me. I have left your service poorer than I entered it; and if I have any earthly boast, it is that I have never intentionally wronged the public. That I have felt the imputations cast against me I do not

pretend to deny; but the consciousness of my own integrity of purpose, has afforded me an inward pride and satisfaction that the world can not rob me of. To the people of Michigan I owe many obligations, and with the last pulsations of life I shall acknowledge and remember their kindness."

There is a certain pathos in the concluding sentence when we remember that life's "last pulsation" for him was only a short time away.

The address was answered by one from Theodore Romeyn in which he sought to show their joint wrong and to argue that the Governor was guilty of still other official wrong doing. This the Governor answered with a single sheet of documentary refutation, which closed the controversy so far as formal documentary charges were concerned.

It has never been contended that the verdict of the people sustained the charges made, but unfortunately their judgment could not be entered as was the slander in the annals of the State.

As the term of John D. Pierce as Superintendent of Public Instruction was about to expire, the two Houses on April 6 in joint session elected Franklin Sawyer Jr. to the position. Mr. Sawyer was a gentleman well qualified for the place, a graduate of Harvard University he had come to Michigan about 1830, had acquired a legal education and practiced for a time in company with Jacob M. Howard. Later he took up newspaper work, first as editor of the *Courier* and then as editor and one of the proprietors of the *Daily Advertiser,* a work much more suited to his taste, which was decidedly literary in character. On April 13 the Legisla-

ture adjourned, the last Whig Legislature to assemble in the State. The administration that had been heralded with great promise of reform had in many important particulars failed to meet the expectations of the people; there had been more of promise than performance. So many of the conditions for which a remedy was being demanded were the result of causes general and national in character that only the slow recuperative processes of constructive labor in development and production could mend. While the Whig administration at its close could show little or no betterment in the conditions against which it had directed its most bitter denunciation, it was nevertheless a most helpful interregnum, for it made it much more easy for the succeeding administration to place the affairs of state in harmony with the abilities and conditions of the people.

The national administration was to prove even more of a disappointment than had the administration within the State. On April 4 President Harrison died. Vice President Tyler was thus elevated to the Presidency within a month of the inauguration. He retained Harrison's Cabinet and promised to carry out his policy, a thing that by reason of training and conviction he was not able to do. A special session of Congress had already been called to assemble May 31. It met and continued its labors until September 13th. The most distinguishing feature of the session was the bitter quarrel that developed between the Whig majority and the President, resulting in the resignation of all the members of the Cabinet except one[1] and in a manifesto from the Whig members to the effect that all political relation between

1. Daniel Webster Sec. of State.

them and John Tyler was at an end. The cry of "Tippecanoe and Tyler too" had lost its charm; there was no longer interest in log cabins or potency in hard cider. In Michigan the Whigs were facing a State campaign with dejection and dissension where twelve months before all had been enthusiasm and confidence.

CHAPTER XXIV

The Closing Years

WITH Governor Mason's retirement from office in January, 1840, came the necessity of engaging in some occupation which would secure for himself and his growing family a respectable livelihood. The ceasing of his official salary compelled retrenchment and economies. The business outlook in general was dark, and the personal antagonisms arising and continued from the heated political strifes of the years covering the governorship were many and bitter. Mason's own courteous manner and thorough kindness even to his political opponents took away much of the sting of personal animosity to him, but it was not easy to forget or forgive all that was said.

Detroit had a population of 9,000, and, as the entry port of the State, transacted a large amount of business with consequent litigation; so that with his prestige of high official position and large personal acquaintance, the opportunity offered to him in Detroit for entry into the practice of the profession to which he had been admitted might seem attractive. The bitter personalities, however, and the attacks through the Legislature in consequence of the five million dollar loan all combined to turn the thought of the young man—now 28—to other fields.

The natural bent of young Mason's mind had been toward the law, and in the intervals of his duties as Sec-

retary of the Territory, he had found time to read sufficient law to enable him to pass without difficulty the examination required of applicants for admission to the bar; on Dec. 6, 1833, he had been admitted to practice in the Wayne County Circuit Court, and on the 23rd of July following was admitted to the Supreme Court.

In anticipation of his retiring from office he had arranged to take up the practice of his profession. He began with a short-lived partnership with E. B. Harrington, a capable young lawyer who had come to Detroit in 1838 from Port Huron, where he had established a newspaper, the *Lake Huron Observer,* edited it and practiced law, had been appointed Master in Chancery by his future partner, who had also appointed him together with E. J. Roberts in January, 1838, to oversee the publication of the laws of the State compiled by Hon. W. A. Fletcher. He was also appointed in 1839 first Reporter of the Chancery Court of Michigan, and died in 1844 a young man of 35 years. After the termination of this partnership in the summer of 1840, the firm of Mason & Pritchette was established, and lasted till Mason removed to New York. The junior member of this firm, the senior in age, had come to the Territory in 1831 with Governor Porter, and had rapidly established a close friendship with the young Secretary; and when the latter became Governor of the State, his first appointment to office was to make his friend Secretary of State.

The law business of this firm was not extensive. An occasional suit at law or in chancery or the foreclosure of a mortgage are all that the records disclose. His wife's connections lived in New York City, and they no doubt urged the opportunities the large city presented to

the talented young man of such unusual experience and acquaintance. After a year spent in the nominal practice of his profession he determined to remove to New York. In January of 1841 he was in the latter city for some time, and upon his return sold his household goods and in the Fall of the year, after the election campaign was over, he left Detroit forever.

Upon his arrival in New York he arranged for boarding at a house on Leonard Street, near Broadway, and at once plunged into the hard work of a law student. He was determined to succeed, and it was necessary not only to familiarize himself with the laws of New York State, but to deepen and broaden his legal foundations. He had some old friends and rapidly made new ones. His father suggested that Baltimore might be an even more advantageous location than New York, but in April, 1842, the young lawyer wrote that he had already formed an extensive acquaintance, had obtained admission to all the courts and already had about ten cases, and that he had no fear of the ultimate results.

In the same month of April, with a view both to economy and health for himself and family, he moved over to Staten Island. He confessed that he had formed but a limited idea of the difficulties of his undertaking in coming to New York, that his absolutely necessary living expenses were $1,500 a year, and that his only capital consisted of hope, energy and perseverance. These qualities however he had in abundance and he needed them all. His family increased in March, 1842, by the birth of a boy, thus giving him three young children besides himself and his wife to support. The business conditions were very bad; his father-in-law, Mr. Phelps, who seems

to have been very pessimistic over the future, had retired from business and prophesied a long period of financial disaster.

Mason not only had optimistic qualities, but also discernment and judgment. In July, 1842, he wrote to his father that in New York humility and modesty were not appreciated, that a man to succeed must keep up appearances and seek the society of those who could benefit him in his profession, otherwise he would starve to death.

It is not probable that he needed to apply much of the worldly wisdom to his own actions. He was of the stamp who would make friends everywhere through following his natural inclination and habits. During the summer and fall of 1842 enough business,—some small part criminal cases,—came to him so that he was able to pay his way and to feel that he had "a very respectable docket for a new beginner."

A ready speaker, he was glad to extend his acquaintance and influence by public addresses, and the last public act of his life was to deliver a lecture about two weeks before his death to the Richmond Lyceum on Staten Island. The subject was "The History of the Northwest," and we may well imagine that his audience had an unusual treat in having this subject presented by a man who had helped so greatly in making the history of an important part of that very Territory.

When cold weather came on he brought his family back from Staten Island to New York and entered the winter with good prospects, certainty of hard work, and high hopes of a happy and prosperous future,—with dreams no doubt of a time when he should have attained fame and success in the metropolis of the country, won by his

own efforts and ability, and when he would return, a visitor, to the scene of his youthful official career, justifying the hopes and expectations of his friends and bringing derision to the scoffs and criticisms of his old enemies.

These prospects, these hopes, these dreams all went for naught. As a sudden frost destroys the buds and opening blooms, Death interposed its hand and the earthly career of Stevens T. Mason came to a sudden and most unexpected termination. No language could better describe the event than the letter from the heart-broken father to the young and beloved sister at Detroit. It is dated at New York, Jan. 5, 1843:

"I attempted to write you last night but found myself unequal to the task, and am now little better prepared to announce to you a most heart-rending event. Our light afflictions for the last year we bore not without repining, but they were temporary and susceptible of aleviation. Now we have to summon to our aid the strength we possess and to call to our relief the only power that is capable of it,—the power of religion,—the trust in God that all His ways are best. Your beloved brother is no more—I cannot yet realize the awful truth, —but it is nevertheless so.—He now lies a corpse in this house. His sickness was not considered dangerous till two hours before his death, and it was so sudden, so calm and free from pain, that to look on him this moment the serenity of his countenance cheats you into the belief that he still lives. Yes! he does, but in another world, the destined abode of us all. He was taken on the night of the first with a vomiting,—on the second complained of a sick headache and did not go out,—on the third sent for

Dr. Boyd who pronounced his disease an inflammatory sore throat, applied leaches and gave him medicine. On the fourth I became alarmed and called Dr. Grayson, who saw him in consultation with Boyd, and both considered his case not dangerous. Accidentally Dr. Mott came on a visit, ten minutes after his physician left, and told me he was dangerously ill, and feared he could not live,—and unless relief came immediately two hours would terminate his existence, and said his case was a suppressed scarlet fever. His predictions were alas! too true, and at 3 o'clock he expired without a groan, and in such entire absence of pain, that he seemed to fall into a composing sleep. Little did we apprehend that it was the sleep of death,—from which he can only awake at the resurrection,—such is the will of God, and we must submit; and in true faith believe that this decree is according to His wisdom and goodness, for the best,—hard as it is for us to bear the infliction.

"Julia is in a state of distraction and I can hardly tell the character of my own mind. I shall write to you again in a day or two but it is impossible for me to afford consolation other than your own minds will present: a submission to the will of God,—to whom I commend you, and pray that He may give you strength to sustain you under the heartrending calamity which it has been His pleasure to award us.

"Your affectionate father,
JOHN T. MASON."

The body was placed in the vault of Mason's father-in-law in Marble Cemetery in New York City, a small cemetery in the block bounded by the Bowery and Sec-

ond Avenue, Second and Third Streets, and there it remained for sixty-two years, when it was brought to Detroit, the place where in spirit he had hoped fondly to return; and here his remains now lie, covered by a monument erected by the great State whose early career he had so deeply influenced.

The news of his death reached Detroit January 12, and the unanimity of sorrow and grief felt and expressed by all from all ages, classes and political parties was most remarkable. The bitter partisan antagonism which had been so rampant completely disappeared, and with one voice his old friends and his former political enemies joined in tributes to his memory. The *Free Press* came out with heavy mourning lines between its columns and in a long editorial the writer spoke feelingly of his many virtues, his endearing qualities, and his sterling merits. It called him "the most honored citizen and universally beloved friend of Michigan, the gifted orator, the talented statesman, the high souled patriot, the warm-hearted, frank, generous, noble and magnanimous friend."

The *Gazette,* whose editor, Sheldon McKnight, had long been a warm friend and admirer of Mason, spoke of him in high terms. "He was an excellent son, and a devoted husband and father. His abilities were of a high order, his information general and extensive, his eloquence ardent and impressive. If he had political enemies they were fewer than ever fell to the lot of any other public man. If he had defects they too were slight and unobserved amidst the good qualities which excited admiration."

The *Advertiser,* the organ of Gov. Mason's political

enemies, added its voice to the universal chorus. "We cannot forbear to mingle our tears in the general sorrow. His career here was indeed an uninterrupted political struggle and yet few men have left behind them more personal friends among all parties, and now when the hand of death has laid him low we cannot but count ourselves happy to have been permitted to be of that number. Vale, amice, vale!"

The Legislature was in session. In the Senate, on the 15th Wm. L. Greenly, Democratic Senator from Adrian and later Governor of the State, arose and made the following announcement:

"Mr. President—Since our adjournment on yesterday, the mournful intelligence has been received of the death of the Honorable STEVENS T. MASON, the former and first Governor of our State.

"The first political relations of his life were with us, and as soon as he had attained his majority he was by the almost unanimous suffrages of our people elected to the chief magistracy of our State.

"In all his relations with us both as a citizen and a magistrate, he was courteous, generous and liberal; deeply imbued with all those noble qualities which were the governing principles of his life, and created strong attachments which existed between the deceased and the citizens of Michigan.

"After our political relations were terminated by his voluntary withdrawal from political life, he removed to the city of New York to follow the profession of the law and enjoy the quiet of domestic life. But his earthly happiness was destined to be of short duration. In the midst of his usefulness and in the pride of his manhood,

by the interposition of an overruling Providence he has been called to that 'bourne from whence no traveler returns'—and while our tears of sympathy flow freely with those who are personally afflicted by this dispensation, let us invoke the Father of All Mercies to smile upon and console his bereaved family and relations.

"THEREFORE BE IT RESOLVED, That we deeply sympathize with the relations of the late STEVENS T. MASON in their sudden and afflictive bereavement, and in this public manner would tender our heartfelt tribute to the memory of the deceased, as an individual who was deeply imbued with all the sterling virtues of public, social and private life."

In the House on the same day similar resolutions were offered by Edwin H. Lothrop of Kalamazoo County, a prominent Democratic member, and promptly adopted. A joint committee from both Houses was appointed to prepare public funeral services for the late Governor. These were held on Sunday, January 15, at the Episcopal Church. The gathering was the largest that had ever been seen on such an occasion in Detroit; a procession was formed in front of the Capitol, headed by the Scott and Brady Guards, followed by the officers of the United States Army who were stationed at Detroit, the Governor, Lieutenant Governor, heads of the State Departments, Judges of the Supreme Court, members and officers of the Senate and House of Representatives, the Mayor and Aldermen of the city, members of the Bar, the Detroit Young Men's Society, the Detroit Typographical Society, and citizens.

The procession marched to St. Paul's Episcopal Church, then located on Woodward Avenue near Con-

gress Street, where Bishop Samuel A. McCroskrey preached the funeral sermon.

To the sorrowing family in New York and Detroit poured in from all directions evidence of sympathy and regret. The Bar of New York City and of Detroit, the Common Council and Board of Education and other bodies and societies adopted resolutions testifying to their regard and respect for the departed, and their appreciation of his character and abilities. Such solace as words can give was furnished in abundance, and it must have been a source of satisfaction and pride to see how unanimous and strong was the voice of sorrow. It was evident that the eleven years spent by him within the confines of the Territory and State had not only gained for him respect and admiration for his ability, but in even greater degree had brought him friendly feeling and affection.

And so the name of Stevens T. Mason became a memory in Michigan. His portrait painted by Alvin Smith, and presented by his friends to the Legislature in 1837 was hung on the walls of the old Capitol Building in Detroit, moved to Lansing in 1847 with the removal of the Capitol, took its place in the new State House and when the present building was completed it was placed in the Governor's room where it now hangs and gazes down on the throngs of visitors who stop and admire the youthful and attractive countenance.

Years passed on. The wife and two of the children,—the boy, young Tom, and the girl on whom their father had spent so much pride and affection died. The father John T. Mason passed away in 1850, and the surviving child, Dorothea, married Col. Edward H. Wright of New-

ark, N. J.; their children are numerous enough to bid fair to carry the blood of the Boy Governor down through the ages. The beloved younger sister, Emily, who returned to Virginia and took an active and prominent part during the Civil War on the part of the Confederacy, had always desired to have the mortal remains of her brother brought back for their final resting place to Detroit, the scene of his youthful prominence.

February 18, 1891, Representative John Minor of Detroit, introduced in the Michigan House of Representatives a concurrent resolution reciting the fact of the burial of Governor Mason in New York City, and continued, "Whereas, Gov. Mason's patriotic services to the State, his tireless energy in behalf of her interests, and notably his great service in the establishment and in defending the interests of the State University in its infancy, and in projecting the development of her mineral wealth, and in the maintenance of the integrity of her territory, are inseparably connected with the history of the State of Michigan, and are a part of the foundations of her prosperity," followed by a resolution that the family be invited to permit his body to be interred in the grounds of the Capitol. This resolution was favorably reported out on May 14, passed the House unanimously May 22, and the Senate by a like vote five days later.

It appears from the resolution that the Trustees of the Elmwood Cemetery in Detroit had also tendered a lot for the interment of the body, but nothing was done to bring the remains to Michigan.

Fourteen more years passed away. In the winter of 1904, Hugo A. Gilmartin, representing the Detroit *Free*

Press in Washington, met Miss Emily Mason and learned of the desire of the Mason family that the body of their relative be moved from its resting place in the New York Cemetery, and correspondence was had with Hon. Lawton T. Hemans and Gov. Warner. The result was the sending of a communication on May 18, 1905, by the Governor to the Senate enclosing correspondence with Hon. George P. Codd, Mayor of Detroit, showing that the Common Council had offered Capitol Park as a suitable place for the final placing of the remains, and recommending that arrangements be made for the removal of the remains from New York City and their interment in Detroit.

On reading of the communication Mr. Charles Smith from Hancock, offered a concurrent resolution which was unanimously adopted, using much of the same language found in the resolution of 1891, and concluding: "That the Legislature of the State of Michigan deems it eminently fitting that the mortal remains of Governor Mason should rest in the soil of the State he loved and served so well," and that committees of the House and Senate be appointed to act with the Committee of the Common Council of Detroit in preparing suitable ceremonies, and that representatives of the family of the former Governor be invited to attend the ceremonies. It also provided for the appointment of three commissioners by the Governor to arrange for the transfer and burial of the remains.

This resolution was transmitted to the House and adopted there unanimously on May 22. The Governor appointed as the Commission, Daniel McCoy of Grand Rapids, Lawton T. Hemans of Mason, and Arthur L.

Holmes of Detroit. A subsequent resolution, passed at the same session authorized the Committee to procure designs and plans for a suitable monument, with estimates of cost.

The Commission went to New York, arranged for the examination of the Phelps Vault and found the remains encased in a mahogany coffin upon which was a silver nameplate bearing the inscription: "Stevens T. Mason, Died Jan. 4th, 1843." Invitations were issued to the family and the descendants of Governor Mason to accompany the Commission to Michigan for participation in the re-interment ceremonies as guests of the State. In response to the invitation there came with the Commission, arriving at Detroit June 4, 1905, Miss Emily V. Mason, the sister, Mrs. Dorothy Wright, the daughter and only surviving child, Capt. William Wright and Edward H. Wright, Jr., grandsons and Stevens T. Mason, a grand-nephew. Upon arrival at Detroit they were met by Gov. Warner and staff, Mayor George P. Codd, a Committee of the Common Council and Committees of the Senate and House of the State Legislature. Company A of the Detroit Light Guard, representing the military body of which Governor Mason was once a member, was in attendance, and together with a platoon of police, escorted the casket to the Light Guard Armory. In the afternoon at the same place, before an audience of 2,000 persons, impressive ceremonies were held. Rev. D. M. Cooper, who had a vivid recollection of a meeting with Gov. Mason offered a prayer followed by short addresses by the Mayor and Gov. Warner. The principal address was delivered by Mr. Clarence M. Burton, at the time President of the Michigan Pioneer and Historical

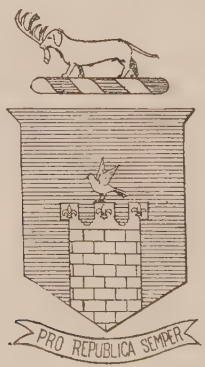
Society, which was replete with information and interest about his subject. Mr. Lawton T. Hemans followed with a thoughtful and eloquent tribute and then a procession was formed, marching on Jefferson Avenue to Woodward Avenue, up Woodward to Michigan Avenue, on Michigan Avenue to Rowland Street, on Rowland to Capitol Square, then with simple services the casket was lowered to rest under the foundations of the old Capitol building which had witnessed seventy years before the installation of the young man as the first Governor of the new State.

The next session of the Legislature met in January, 1907, and on the 16th of that month the Commission which had been appointed by the Governor made its report, and on the same day Senator Smith of Houghton County introduced a resolution providing for the procuring and placing of a statue of Stevens T. Mason, first Governor of Michigan, at the place of his interment in Capitol park in the City of Detroit. February 19 the resolution was passed unanimously and ordered to take immediate effect. The House acted promptly with like result. The resolution appropriated ten thousand dollars for the erection of a suitable monument, and as the commission had reported the donation to the State by the Government through the kind offices of United States Senator Russell A. Alger, of sufficient bronze, the main duty of the commission which was continued was the selection of the design and sculptor.

Albert Weinert of New York was selected as the sculptor, and on Decoration Day, 1908, the monument erected in Capitol Square Park was unveiled. Hon. Thomas W. Palmer presided, and Emily V. Mason, then 91 years of

age, was present and performed the ceremony of unveiling the statue. The address of the occasion was delivered by Rev. Walter Elliott, C. S. P., of Washington, D. C., who was born in Detroit and came of a family of historical abilities. His choice was probably due to his personal acquaintance with Miss Mason, but the address was worthy of the occasion. It was followed by remarks from Hon. Lawton T. Hemans, Mayor W. B. Thompson and Governor Warner, and a few final words from Dr. James B. Angell, President of the University of Michigan who drew attention to the valuable services of Gov. Mason in protecting the interests of the University, and which have been recognized by keeping his picture hung upon the wall of the Memorial Building and by naming the north wing of the University Building, Mason Hall.

And there the statue of Stevens T. Mason stands today, and we trust will stand forever, an enduring monument to a young man of fine abilities, high ideals, lovable character, a fitting first magistrate of a new Commonwealth in the young and vigorous West.



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